THE MYSORE VILLAGE PANCHAYATS AND LOCAL BOARDS ACT, 1959.

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MYSORE ACT No. 10 OF 1959

(*First published in the* Mysore Gazette *on the Twenty-third Day of July* 1959).

THE MYSORE VILLAGE PANCHAYATS AND LOCAL BOARDS ACT, 1959.

(Amended by Acts 26 of 1961, 22 of 1964, 5 of 1965 and Ordinance No. 6 of 1969).

(*Received the assent of the President on the Sixteenth day of July* 1959).

AN ACT TO CONSOLIDATE AND AMEND THE LAWS RELATING TO PANCHAYATS AND TO PROVIDE FOR THE CONSTITUTION OF TALUK DEVELOPMENT BOARDS AND DISTRICT DEVELOPMENT COUNCILS IN THE STATE OF MYSORE.

WHEREAS it is expedient to consolidate and amend the laws relating to Panchayats and to provide for the constitution of Taluk Development Boards and District Development Councils in the State of Mysore and other incidental matters;

BE it enacted by the Mysore State Legislature in the Tenth Year of the Republic of India as follows:—

PART I

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Mysore Village Panchayats and Local Boards Act, 1959.

(2) It extends to the whole of the State of Mysore.

[1][(3) It shall come into force on such date as the Government may, by notification, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires—

(1) 'Assistant Commissioner' means an Assistant Commissioner in charge of a revenue sub-division;

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[1] This Act has come into force in November, 1959.

(2) 'building' includes a house, out-house, shop, stable, warehouse, workshop, canopy, shed, hut or other enclosure whether used as a human dwelling or otherwise and shall include a wall, compound wall, fencing, verandah, platform, plinth, doorstep and the like;

(3) 'business' includes any trade, commerce or manufacture or an adventure or concern in the nature of trade, commerce or manufacture;

(4) 'Chairman' means the Chairman of a Panchayat;

(5) 'Commissioner' means the Divisional Commissioner or such other officer as may be appointed by the Government to exercise the powers of the Commissioner under his Act;

(6) 'company' means a company as defined in the Companies Act, 1956 Central Act 1 of 1956) and includes any firm or association carrying on business in the State of Mysore whether incorporated or not or its principal place of business is situated therein or not;

(7) 'district' means a revenue district constituted as a district from time to time for the purpose of revenue administration;

(8) 'District Council' means the District Development Council constituted under this Act for a revenue district;

(9 'erection or re-erection or enlargement' of any building includes—

(i) any material alteration or enlargement of any building;

(ii) the conversion, by structural alteration, into a place of human habitation of any building not originally constructed for human habitation;

(iii) the conversion of one or more places of human habitation into a greater number of such places;

(iv) the conversion of two or more places of human habitation into a lesser number of such places;

(v) such alteration of a building as would effect a change in the drainage or sanitary arrangements or materially affect its security;

(vi) the addition of any rooms, buildings, out-houses or other structures to any building;

(vii) the conversion by any structural alteration, into a place of religious worship or into a building used for a sacred purpose, of any place or building not originally meant or constructed for such purpose;

(viii) roofing or covering an open space between walls or buildings, in respect of the structure which is formed by roofing or covering such space;

(ix) conversion into a stall, shop, warehouse or godown of any building not originally constructed for use as such or *vice versa;*

(19) 'Mysore' Local Government Service' means the service established as the Mysore Local Government Service consisting of such posts, on such scales of pay and subject to such conditions as may be determined by rules made under the proviso to Article 309 of the Constitution;

(20) 'notification' means a notification published in the official gazette;

(21) 'nuisance' includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep or which is or may be dangerous to life, or injurious to the health or property of the public, or of the people in general, who dwell in the vicinity or of persons who may have occasion to exercise a public right;

(22) 'octroi' means a tax levied on the entry of goods into a residential area within the jurisdiction of a Town Panchayat for consumption, use or sale therein;

(23) 'offensive or dangerous trade' means any trade, business or industry in which the substances dealt with are likely to become a nuisance;

(24) 'occupier' means any person in actual possession of any land or building or part thereof, and includes an owner in actual possession, and the tenant or licensee whether such tenant or licensee is liable to pay rent or not;

(25) 'offensive matter' includes filth, sewage, dirt, house sweepings, spittings, including chewed betels and tobacco, kitchen or stable refuse, pieces of broken glass or pottery, debris and wastepaper;

(26) 'owner' includes the person for the time being receiving the rent of any land or building or part thereof, whether on his own account or as agent, receiver or trustee or who would receive rent if the land or building or part thereof were let to a tenant;

(27) 'Panchayat' means a Village Panchayat or Town Panchayat, as the case may be, established under this Act;

(28) 'prescribed' means prescribed by rules made under this Act;

(29) 'President' means the President of the Taluk Board;

(30) 'private market' means a market other than a public market;

(31) 'public ferry' means a ferry used for the conveyance for hire of any passenger, animal, cart, carriage or other vehicle or goods;

(32) 'public market' means any market belonging to a Panchayat or Taluk Board or acquired, constructed, maintained or managed by a Panchayat or Taluk Board;

(33) 'public place' means any place not being private property which is open to the use or enjoyment of the public, whether such place is vested in a Panchayat or Taluk Board or not;

(34) 'public street' means any street over which the public have a right of way whether a thoroughfare or not;

(35) 'revenue village' means any local area which is recognised by Government as a village for the purpose of revenue administration;

Explanation.—Where any part of a revenue village is included within a municipality or an area under the authority of a Sanitary Board or a Town Area Committee the remaining part of such revenue village shall be deemed to be a revenue village.

(36) 'Schedule' means a Schedule annexed to this Act;

(37) 'Scheduled Castes' means the Scheduled Castes and Scheduled Tribes specified in respect of the State of Mysore in the Constitution (Scheduled Castes) Order, 1950, and the Constitution (Scheduled Tribes) Order, 1950, for the time being in force;

(38) 'street' includes any highway, causeway, bridge, viaduct, arch, road, land, footway, subway, court, alley or riding path or passage' whether a thoroughfare or not; and when there is a footway as well as carriageway in any street, the said term includes both;

(39) 'taluk means a revenue taluk constituted as a taluk, Petah or Mahal from time to time for the purpose of revenue administration;

(40) 'Tahsildar' means Tahsildar or Deputy Tahsildar of a revenue taluk, Petah or Mahal;

(41) 'Taluk Board' or 'Board' means a Taluk Development Board constituted under this Act;

(42) 'vehicle' includes a bicycle, cycle-rickshaw, tricycle auto-rickshaw, motor car and every wheeled conveyance which is used or is capable of being used on a public street;

(43) 'Vice-Chairman' means the Vice-Chairman of a Panchayat;

(44 'Vice-President' means the Vice-President of Taluk Board;

(45) 'Village' means any area comprising a revenue village or group of revenue villages, which is declared to be a village under this Act.

PART II—PANCHAYATS

CHAPTER II

Establishment and Constitution of Panchayats

3. *Declaration of village.*—(1) Whenever the Government, after making such inquiry as may be prescribed, is satisfied, that any area comprising a revenue village or a group of revenue villages has a population of not less than one thousand and five hundred, but not more than ten thousand, it shall, by notification in the official gazette, declare such area to be a village:

Provided that the Government may, for special reasons and by notification in the official gazette, declare any area comprising a revenue village or group of revenue villgaes having a population of less than one thousand and five hundred, or more than ten thousand, to be a village under this section.

(2) The Government may, after consultation with the Taluk Board, by notification, at any time—

(*a*) include within any village or exclude from any village, any revenue village, or

(*b*) declare that any area shall cease to be a village.

(3) A village having a population of not less than five thousand and an anuual income estimated at not less than ten thousand rupees may be declared by the Government by notification to be a panchayat town.

Explanation.—For purposes of the section "population" means the population determined in such manner as may be prescribed.

4. *Establishment of Panchayats.*—(1) In every village declared as such under section 3, there shall be a panchayat.

(2) A panchayat established for a village declared to be a panchayat town shall be a town panchayat and a panchayat established for any other village shall be a village panchayat.

5. *Constitution of Panchayats.*—(1) Subject to the provisions of this Act, a Panchayat shall consist of such number of members, not being less than eleven or more than nineteen in number, as the Deputy Commissioner may determine, all of whom shall be elected.

(2) In any Panchayat such number of seats shall be reserved for the representatives of Scheduled Castes and women as may be prescribed, and the reservation of seats in the case of women shall not be less than two :

Provided that no seat shall be reserved for the representatives of Scheduled Castes in any Panchayat unless the Government is of the opinion that the reservation of seats is necessary having regard to the population of Scheduled Castes in the Village :

Provided further that this sub-section in so far as it relates to Scheduled Castes shall cease to have effect after the expiry of the period specified in Article 334 of the Constitution :

Provided also that the second proviso to this sub-section shall not affect any representation in a Panchayat until the expiry of the term of office of its members.

(3) Subject to the provisions of sub-section (4), the Commissioner shall by notification determine—

(*a*) the constituencies into which the area within the jurisdiction of every Panchayat shall be divided for the purposes of elections to such Panchayat ;

(*b*) the extent of each constituency ;

(*c*) the number of seats allotted to each constituency which shall be either two or more ; and

(*d*) the number of seats, if any, reserved for the Scheduled Castes and women in each constituency.

(4) The ratio between the number of members to be elected from each territorial constituency in a Panchayat and the population of that constituency as ascertained at the last preceding census shall, so far as practicable, be the same throughout the area within the jurisdiction of a Panchayat.

(5) If for any reason the election results in the return of less than the required number of members, then, the Deputy Commissioner shall appoint such number of persons as will make up the required number, being persons who would have been qualified to be elected.

(6) Where the Deputy Commissioner determines that the number of elected members of a Panchayat shall exceed eleven, failure to elect more than eleven members shall not affect the constitution of the Panchayat.

(7) The Deputy Commissioner shall publish in the prescribed manner the names of the members elected and appointed.

6. *Incorporation of Panchayat.*—Every Panchayat shall be a body corporate by the name of the "Village Panchayat of ....." or "Town Panchayat of ...." as the case may be, and shall have perpetual succession and a common seal, and subject to such restrictions as are imposed by or under this or any other enactment, shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property, moveable or immoveable, whether without or within the limits of the area over which it has authority, of entering into contracts and of doing all things necessary, proper or expedient for the purposes for which it is constituted.

7. *Election.*—(1) The election of members to a Panchayat shall be held on such date as the Deputy Commissioner may appoint in this behalf.

(2) Subject to the provisions of this Act, such election shall be conducted by ballot in the prescribed manner.

8. *Appointment of an Administrative Committee or Administrator on failure to elect members of Panchayat.*—(1) If the Deputy Commissioner is satisfied that a Panchayat of a village immediately after the establishment of such Panchayat cannot be constituted by reason of any difficulty in holding an election of the members of the Panchayat or failure to elect such members of the Panchayat or for any other sufficient reason whatsoever, or if at any general election to a Panchayat no member is elected, or if the term of the outgoing members of the Panchayat has expired and it has not been possible to complete the general election to the Panchayat before the expiry of the term, the Deputy Commissioner shall by notification either—

(i) appoint an Administrative Committee consisting of persons qualified to be elected, the number of such persons being equal to the number of members determined under sub-section (1) of section 5 ; or

(ii) appoint an Administrator.

(2) The members of an Administrative Committee or the Administrator shall hold office for such period not exceeding one year as the Deputy Commissioner may specify in the notification under sub-section (1).

(3) On the appointment of an Administrative Committee or an Administrator under sub-section (1), all the powers and dulties of the Panchayat shall be exercised and performed by such Administrative Committee or Administrator.

(4) The Administrative Committee or Administrator shall be deemed to be a duly constituted Panchayat for the purpose of this Act notwithstanding anything contained in the foregoing provisions :

Provided that if at any time after the appointment of the Administrative Committee or the Administrator under sub-section (1), the Deputy Commissioner is satisfied that there is no difficulty in holding an election, the Deputy Commissioner may, notwithstanding that the term of office for which the members of the Administrative Committee or the Administrator had been appointed has not expired, direct by notification that the members of the Administrative Committee or the Administrator, as the case may be, shall cease to hold office with effect from such date as may be specified in such notification.

9. *List of voters.*—The electoral roll of the Mysore Legislative Assembly for the time being in force for such part of the constituency of the Assembly as is included in any Panchayat constituency shall for the purpose of this Act, be deemed to be the list of voters for such Panchayat constituency. The Secretary of the Panchayat shall maintain in the prescribed manner a list of voters for each Panchayat constituency.

Explanation.—For the purposes of this section, electoral roll shall mean an electoral roll prepared under the provisions of the Representation of the People Act, 1950 (Central Act XLIII of 1950) for the time being in force.

10. *Qualification for membership.*—Every person whose name is in the list of voters of any Panchayat constituency shall, unless disqualified under this Act or under any other law for the time being in force, be qualified to be elected as a member of the Panchayat :

Provided that in the case of seats reserved for Scheduled Castes and women, no person who is not a member of any of the Scheduled Castes or is not a woman, as the case may be, shall be qualified to be elected to such seat.

11. *Disqualifications for membership.*—(1) A person shall be disqualified for being chosen as and for being a member of a Panchayat,

(*a*) if he is under twenty-one years of age, or

(*b*) if he does not ordinarily reside in the village, or

(*c*) if he has been sentenced by a criminal court to imprisonment for an offence which involves moral turpitude and which is punishable with imprisonment for a term exceeding six months, such sentence not having been subsequently reversed or remitted,

(*d*) if an order has been passed against him undr section 108 of the Code of Criminal Procedure, 1898 (Central Act V of 1898), in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or

(*e*) if he has been dismissed from Government service or service under any local authority, or

(*f*) if, having been a legal practitioner, he has been dismissed or suspended by order of a competent court, the disqualification in the latter case being operative during the period of such suspension, or

(*g*) if he is an undischarged insolvent, or

(*h*) if he is of unsound mind and stands so declared by a competent court, or

(*i*) if he has been removed from membership of any local authority, or

(*j*) if he holds any office of profit under the Government of India, or the Government of Mysore or the Government of any other State in India or of any local or other authority, subject to the control of any of the said Governments, other than such offices as are declared by rules made under this Act not to disqualify the holder, or

(*k*) if, save as hereinafter provided, he has directly or indirectly any share or interest in any work done by order of a Panchayat, or in any contract or employment with, or under or by, or on behalf of, a Panchayat, or

(*l*) if he is employed as paid legal practitioner on behalf of a Panchayat or accepts employment as legal practitioner against a Panchayat;

(*m*) if he has ceased to be a member by his seat becoming vacant under clause (ii) of sub-section (2), as long as the amount of tax or fee due to the Panchayat is not paid:

Provided that—

(*a*) the disqualification in clause (*d*) will cease to operate after the expiry of the period during which a person is ordered to furnish security;

(*b*) the disqualification in clause (*c*), (*e*) or (*f*) will cease to operate after the expiry of five years from the date of such sentence or dismissal, or earlier by an order of the Government;

(*c*) the disqualification in clause (*i*) will cease to operate after the expiry of five years from the date of such removal;

(*d*) a person shall not be deemed to have incurred disqualification under clause (k) by reason of his—

(i) having a share in any joint-stock company or a share or interest in any association registered under the Societies Registration Act, or in any co-operative which shall contract with or be employed by or on of the Panchayat, or

(ii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Panchayat is inserted, or

(iii) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the Panchayat.

(2) If a member of a Panchayat—

(i) becomes subject to any of the disqualifications mentioned in sub-section (1), or

(ii) fails to pay any tax or fee due to the Panchayat within three months from the date on or before which the amount of such tax or fee is required to be paid in the bill presented to the person under sub-section (1) of section 77; or

(iii) votes on or takes part in discussion in contravention of the provisions of sub-section (4) of section 37; or

(iv) absents himself for more than four consecutive months from the village unless leave not exceeding six months, so to absent himself has been granted by the Panchayat, or absents himself for six consecutive months from the meetings of the Panchayat without the leave of the Panchayat,

his seat shall thereupon become vacant:

Provided that where an application is made by a member to the Panchayat for leave to absent himself under caluse (iv) and the Panchayat fails to inform the applicant of its decision on the application within a period of three months from the date of the applica tion, the leave applied for shall be deemed to have been granted by the Panchayat.

(3) If any question arises whether a vacancy has occurred under sub-section (2), the question shall be referred to the Deputy Commissioner, and the Deputy Commissioner shall, after giving an

opportunity to the member concerned to be heard, decide the question.

12. *Prohibition of simultaneous membership.*—(1) If a person is elected by more than one Panchayat constituency, he shall by notice in writing signed by him and delivered to the Assistant Commissioner or any other officer authorised by him in this behalf, within the prescribed time, choose any one of the constituencies which he shall serve, and the choice shall be final.

(2) When any such choice has been made, the constituency or constituencies other than the constituency which such person has chosen to serve, shall be called upon to elect another person or persons.

(3) If the candidate does not make the choice referred to in sub-section (1) the election of such person shall be void and all constituencies concerned shall be called upon to elect another person or persons.

13. *Determination of validity of elections.*—(1) At any time within fifteen days after the declaration of the result of an election, any candidate who stood for election, or any person qualified to vote at that election, may apply, together with a deposit of fifty rupees as security for costs, to the Munsiff within whose territorial jurisdiction the village concerned is situate for the determination of the validity of the election.

Explanation.—For the purpose of this section, a Munsiff means (i) in the Bombay Area, a Civil Judge, Junior Division; and (ii) in he Madras Area, a District Munsiff.

(2) The Munsiff shall, after such enquiry as he deems necessary, pass an order confirming or amending the declared result of the election, or setting aside the election. For the purposes of the said enquiry, the Munsiff may exercise any of the powers of a civil court. He may also award costs in such manner as he may deem fit and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure, 1908 (Central Act V of 1908) and his decision shall be conclusive. If he sets aside an election, he shall forthwith communicate the fact to the Deputy Commissioner who shall take the necessary steps for holding a fresh election.

(3) Subject to the provisions of sub-section (2),

(A) if the Munsiff is of opinion—

(a) that on the date of his election, a returned candidate was not qualified, or was disqualified to be chosen to fill the seat under this Act; or

(b) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of the returned candidate or his election agent; or

(c) that any nomination has been improperly rejected; or

(d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected—

(i) by the improper acceptance of any nomination; or

(ii) by any corrupt practice committed in the interests of the returned candidate by a person other than that candidate or his election agent or a person acting with the consent of such candidate or his election agent;

(iii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void; or

(iv) by any non-compliance with the provisions of this Act or of any rules or orders made under this Act,

the Munsiff shall declare the election of all or any of the returned candidates to be void and the petitioner or any other candidate to have been duly elected;

(B) if in any case to which clause (A) does not apply, the validity of an election is in dispute between two or more candidates, the Munsiff shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour to have been duly elected:

Provided that, for the purposes of such computation, no vote shall be reckoned as valid if the Munsiff finds that it was given by an unqualified person or any corrupt practice was committed by any person, known or unknown, in giving or obtaining it:

Provided further that after such computation if an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, one additional vote shall be added to the total number of valid votes found to have been received in favour of such candidate or candidates, as the case may be, selected by lot drawn in the presence of the Munsiff in such manner as he may determine.

(4) A person shall be deemed to have committed a corrupt practice—

(*a*) who, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person, or

(b) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote, or

(*c*) who hires or procures, whether on payment or otherwise, any vehicle or vessel for the conveyance of any voter (other than the person himself, the members of his family or his agent) to and from any polling station :

Provided that the hiring of a vehicle or vessel by a voter or by several voters at their joint cost for the purpose of conveying him or them to or from any such polling station shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power :

Provided further that the use of any public transport vehicle or vessel or any tram car or railway carriage by any voter at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

A corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Explanation 1.—The expression "a promise of individual profit"—

(i) does not include a promise to vote for or against any particular measure which may come before a Panchayat for consideration, but

(ii) subject thereto, includes a promise for the benefit of the person himself or any person in whom he is interested.

Explanation 2.—The expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(5) If the validity of the election is brought in question only on the ground of an error made by the officer charged with carrying out the rules relating to the elections or of an irregularity or informality not corruptly caused, the Munsiff shall not set aside the election.

Exception.—The expression 'error' in this sub-section does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Act or the rules made thereunder whereby the result of the election has been materially affected.

(6) If the Munsiff sets aside an election under sub-clause (*b*) of clause (A) of sub-section (3), he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section to be disqualified from being a member of any local authority for a term of years not exceeding five:

Provided that no such declaration shall be made in respect of any person other than the returned candidate without giving such person an opportunity to show cause why such declaration shall not be made:

Provided further that such person, may, at any time be relieved from such disqualification by an order of the Government in that behalf.

(7) The decision of the Munsiff under this section shall be final and conclusive.

14. *Fresh election or appointment if a seat becomes vacant.*—If the Deputy Commissioner declares that a vacancy has occurred in the seat of any member under sub-section (2) of section 11, a fresh election or appointment for the vacancy so caused shall be held or made in accordance with the provisions of this Act.

15. *Prohibition of canvassing in or near polling stations.*—(1) No person shall, on the date or dates on which a poll is taken in any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred yards of the polling station, namely:—

(*a*) canvassing for votes; or

(*b*) soliciting the vote of any voter; or

(*c*) persuading any voter not to vote at the election; or

(*d*) exhibiting any notice or sign other than an official notice relating to the election.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

(3) An offence punishable under this section shall be cognizable.

16. *Penalty for disorderly conduct in or near polling station.*—(1) No person shall, on the date or dates on which a poll is taken at any polling station—

(*a*) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loud speaker, or

(*b*) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof,

so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or wilfully aids or abets the contravention of, the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps and use such force as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

17. *Penalty for misconduct at polling station.*—(1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer, he shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

(4) An offence punishable under sub-section (3) shall be cognizable.

18. *Maintenance of secrecy of voting.*—(1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine or with both.

19. *Officers, etc., at elections not to act for candidates or influence voting.*—(1) No person who is a returning officer, or a presiding or polling officer at an election, or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election shall, in the conduct or the management of the election, do any act other than the giving of vote for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of a police force, shall endeavour—

(*a*) to persuade any person to give his vote at an election, or

(*b*) to dissuade any person from giving his vote at an election, or

(*c*) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both.

20. *Breaches of official duty in connection with elections.*—(1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall, on conviction, be punished with fine which may extend to five hundred rupees.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are the returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election; and the expression "official duty" shall for the purposes of this section be constructed accordingly, but shall not include duties imposed otherwise than by or under this Act.

21. *Removal of ballot papers from polling stations to be an offence.*—(1) Any person who at any election fraudulently takes, or attempts to take, a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer:

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

22. *Other offences and penalties therefor.*—(1) A person shall be guilty of an offence if at any election he—

(*a*) fraudulently defaces or fraudulently destroys any nomination paper; or

(*b*) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of a returning officer; or

(*c*) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper; or

(*d*) without due authority supplies any ballot paper to any person; or

(*e*) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or

(*f*) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election; or

(*g*) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

(2) Any person guilty of an offence under this section shall,—

(*a*) if he is a returning officer or a presiding officer at a polling station or any other officer or clerk employed on official duty in connection with the election, on conviction, be punished with imprisonment for a term which may extend to two years or with fine or with both;

(*b*) if he is any other person, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both.

(3) For the purpose of this section, a person shall be deemed to be on official duty if he has to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act.

(4) An offence punishable under clause (b) of sub-section (2) shall be cognizable.

23. *Prosecution in certain offences*—No court shall take cognizance of an offence punishable under section 16 or under section 17 or under clause (*a*) of sub-section (2) of section 19 unless there is a complaint made by an order of or under authority from the Deputy Commissioner.

24. *Term of office.*—The members of a Panchayat, shall save as otherwise provided in this Act, hold office for a term of four years :

Provided that the Government may, by notification, for reasons to be stated therein, extend from time to time the said term for a period not exceeding [1][six years] in the aggregate.

25. *Commencement of term of office.*—The term of office of the members elected at a general election or appointed under section 5 shall commence on the date immediately after the expiry of the term of office of the out-going members of the Panchayat or on the date of publication of their names under sub-section (7) of section 6, whichever is later.

26. *Registration of members.*—A member of a panchayat may resign his membership in writing, under his hand addressed to the Chairman of the Panchayat and his seat shall become vacant on the expiry of fifteen clear days from the date of such resignation, unless within the said period of fifteen days, he withdraws such resignation by writing under his hand addressed to the Chairman.

27. *Election of Chairman and Vice-Chairman.*—Every Panchayat shall, as soon as may be, choose two members of the Panchayat to be respectively Chairman and Vice-Chairman becomes vacant by death, resignation, removal or otherwise, the Panchayat shall choose another member to be Chairman or Vice-Chairman, as the case may be.

28. *Term of office of Chairman and Vice-Chairman.*—Save as otherwise provided in this Act, a Chairman and a Vice-Chairman shall hold office for the term of a Panchayat.

29. *Chairman to carry on current duties until his successor is elected.*—After the expiry of his term of office the Chairman shall continue to carry on the current duties of his office until such time as a new Chairman shall have been elected and shall have taken over charge.

30. *Election of Chairman on establishment of Panchayat, etc.*—(1) On the establishment of a Panchayat for the first time under this Act, or on its reconstitution or establishment under section 92 or on its reconstitution on the expiry of the term of the members of a Panchayat, a meeting shall be called within four weeks from

1. Substituted by Act 5 of 1965.

the date of commencement of the term of office of the members of the Panchayat under section 25 by the prescribed officer who shall himself preside over the meeting, but shall have no right to vote, and the meeting shall then proceed to elect the Chairman. In the case of an equality of votes the result of the election of the Chairman shall be decided by lot to be drawn by the officer presiding at the meeting in such manner as he may determine.

(2) Any dispute relating to the validity of the election of a Chairman or Vice-Chairman under sub-section (1) or section 27 shall be decided by the prescribed judicial officer. The decision of the prescribed judicial officer thereon shall be final and no suit or other proceeding shall lie in any court in respect of any such decision.

31. *Resignation of Chairman or Vice-Chairman.*—(1) The Vice-Chairman may resign his office by writing under his hand addressed to the Chairman and in the absence of the Chairman to the Assistant Commissioner.

(2) The Chairman may resign his office by writing under his hand addressed to the Assistant Commissioner.

(3) Resignations under sub-section (1) or (2) shall take effect from the date of their acceptance.

32. *Motion of no-confidence.*—(1) A motion of no-confidence may be moved by any member against the Chairman or the Vice-Chairman after giving such notice as may be prescribed and such notice shall be supported by not less than one-third of the total number of members of the Panchayat. If a meeting for consideration of the motion is not convened by the Chairman within thirty days from the date of notice, the Chief Executive Officer of the Taluk Board shall himself convene the meeting.

(2) If the motion against the Chairman or Vice-Chairman is carried by a majority of not less than two-thirds of the total number of members, the Chairman or the Vice-Chairman, as the case may be, shall be removed from his office by the Deputy Commissioner :

Provided that the Chairman or Vice-Chairman shall vacate office on the expiry of sixty days from the day of the passing of the motion if no order of such removal is passed within the said period.

(3) Notwithstanding anything contained in this Act or the rules made thereunder, a Chairman or a Vice-Chairman shall not preside over a meeting in which a motion of no-confidence is discussed against him but he shall have a right to speak and otherwise to take part in the proceedings of the Panchayat.

33. *Procedure at meetings.*—Subject to the provisions of this Act, the procedure at a meeting of the Panchayat shall be in accordanc with bye-laws made for the purpose.

34. *Removal from or vacation of office.*—(1) The Deputy Commissioner may, after giving due notice to the person concerned and after such enquiry as he thinks fit, remove from office any member of the Panchayat, or any Chairman or Vice-Chairman who has been guilty of misconduct, or neglect of or incapacity to perform his duty or is persistently remiss in the discharge of his duties. A person removed from the office of Chairman or Vice-Chairman shall not be eligible for re-election during the term of office of the memebers of such Panchayat. A Chairman or Vice-Chairman removed for misconduct shall also be removed from the office of member of the Panchayat.

(2) An appeal shall lie from an order of the Deputy Commissioner under sub-section (1) to the Commissioner.

(3) Every Chairman or Vice-Chairman shall vacate office if he ceases to be a member of the Panchayat.

(4) Every Chairman or Vice-Chairman who for a period exceeding three months absents himself from the village in such manner as to be unable to perform his duties as Chairman or Vice-Chairman, shall cease to be Chairman or Vice-Chairman, as the case may be, unless leave so to absent himself has been granted by the Panchayat.

(5) Leave under sub-section (4) shall not be granted for a period exceeding six months, and whenever such leave is granted to a Chairman or Vice-Chairman, the Panchayat shall elect one of its members to exercise all the powers and perform all the duties of a Vice-Chairman in lieu of the Vice-Chairman, who is exercising the powers and performing the duties of the Chairman, or who is absent on leave during the period for which such leave is granted.

35. *Filling up of vacancies.*—(1) Any vacancy of which notice shall have been given to the Deputy Commissioner in the prescribed manner due to the disablement, death, resignation, disqualification, absence without leave, or removal of a Chairman or Vice-Chairman or member, shall be filled by the election of a Chairman or Vice-Chairman or member who shall hold office so long only as the Chairman, Vice-Chairman or member in whose place he has been elected would have held office if the vacancy had not occurred :

Provided that if no member is so elected within four weeks from the date on which notice of the vacancy is given to the Deputy Commissioner, the Deputy Commissioner shall appoint a person who

would have been qualified to be elected and the person so appointed shall be deemed to have been duly elected under this sub-section :

Provided further that notwithstanding anything contained in section 5, if the vacancy of a member occurs within four months preceding the date on which the term of office of the members of the Panchayat expires under section 24, the vacancy shall not be filled.

(2) The meeting for the election of a Chairman under sub-section (1) shall be convened in the manner specified in sub-section (1) of section 30.

36. *Meetings of Panchayat.*—(1) A Panchayat shall meet for the transaction of business at least once in every month at the office of the Panchayat and at such time as the Chairman may determine.

(2) The Chairman may, whenever he thinks fit, and shall, upon the written request of not less than one-half of the total number of members, call a special meeting.

(3) Seven clear day's notice of an ordinary meeting and two clear days' notice of a special meeting specifying the place, date and time of such meeting and the business to be transacted thereat, shall be given to the members and the Gram Sevaks and posted in the office of the Panchayat.

(4) The Gram Sevaks and other Government officers having jurisdiction in the village or any part thereof shall be entitled to attend every meeting of the Panchayat and take part in the proceedings but shall not be entitled to vote.

37. *Quorum and Procedure.*—(1) The quorum for a meeting of the Panchayat shall be one-half of the total number of members. If the quorum is not complete at a meeting, the presiding authority shall adjuorn the meeting to such time on the following day or some future day as he may fix. A notice of the meeting so fixed shall be posted in the office of the Panchayat. The business, which could not be considered at the meeting so postponed for want of quorum, shall be brought before and disposed of, at the meeting so fixed or at any subsequent adjourned meeting at which there is a quorum.

(2) At every meeting of the Panchayat the Chairman, or in his absence the Vice-Chairman, shall preside, and in the absence of both, the members present shall choose one from amongst themselves to preside for the occasion.

(3) All questions shall, unless otherwise specially provided, be decided by a majority of votes of the members present and voting. The Chairman, Vice-Chairman or person presiding, as the case may

be, unless he refrains from voting shall give his vote before declaring the number of votes for and against a question and in case of equality of votes, he shall give his casting vote.

(4) No member of a Panchayat shall vote on, or take part in the discussion of any question coming up for consideration at a meeting of a Panchayat, if the question is one in which apart from its general application to the public he has any direct or indirect pecuniary interest.

(5) If the presiding authority is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion or vote on or take part in it. Any member of the Panchayat may be chosen to preside at the meeting during the continuance of such discussion.

38. *Modification or cancellation of resolutions.*—No resolution of a Panchayat shall be modified or cancelled within six months after the passing thereof, except by a resolution passed by not less than one-half of the total number of members at an ordinary or special meeting notice whereof shall have been given fulfilling the requirements of sub-section (3) of section 36 and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

39. *Minutes.*—Minutes shall be kept of the names of the members and of the Government officers, if any, present and of the proceeding at each meeting of the Panchayat, and if any member present at the meeting so desires, of the names of the members voting, respectively, for or against, any resolution, in a book to be provided for the purpose, which shall be signed as soon as practicable by the Chairman, Vice-Chairman or person presiding at such meeting and shall, at all reasonable times, be open to inspection by any member of the Panchayat, or by any person entitled to vote at the elections to the Panchayat.

40. *Interpellations and resolutions.*—(1) Any member may call the attention of the Chairman to any neglect in the execution of Panchayat work, to any waste of Panchayat property or to the wantsof any locality, and may suggest any improvements which may appear desirable.

(2) Every member shall have a right to move resolution and to interpellate the Chairman on matters connected with the administration of the Panchayat, subject to such rules as may be prescribed.

41. *Acts of Panchayat, etc., not to be invalidated.*—No act of a Panchayat or of any person acting as a member or as a Chairman, Vice-Chairman, Presiding member or Secretary, shall be deemed to be invalid by reason only of some defect in the constitution or appointment of such Panchayat, Chairman, Vice-Chairman, Presiding member or Secretary or member or on the ground that they or any of them were disqualified for such office or that formal notice of the intention to hold a meeting of a Panchayat was not duly given or by reason of such act having been done during the period of any vacancy in the office of the Chairman, Vice-Chairman, or Secretary or member of such Panchayat, or for any other informality.

CHAPTER III

Functions of Panchayats

42. *Obligatory functions of Panchayats.*—It shall be the duty of a Panchayat so far as the Panchayat fund at its disposal will allow and subject to the general control of the Government, and the superintendence of the Taluk Board to make reasonable provision within the village in regard to the following matters, namely:—

(*a*) construction, repair and maintenance of village roads drains, bunds and bridges;

Provided that if the roads, drains, bunds and bridges vest in any other public authority, such works shall not be undertaken without the consent of such authority;

(*b*) construction, repair and maintenance of public wells, ponds and tanks and supply of water for domestic use and for cattle;

(*c*) the cleansing of the public roads, drains, bunds, tanks and wells (other than tanks and wells used in irrigation) and other public places or works;

(*d*) the lighting of the village;

(*e*) maintenance and regulation of burning and burial grounds;

(*f*) the removing of obstructions and projections in public streets or places and in sites not being private property, which are open to the enjoyment of the public, whether such sites are vested in the Panchayat or belong to Government;

(*g*) sanitation, conservancy and the prevention and abatement of nuisance;

(*h*) regulation of buildings, shows, shops, eating and other entertainment houses ;

(*i*) establishment and maintenance of cattle pounds ;

(*j*) allotment of places for storing manure ;

(*k*) planting and preservation of trees ;

(*l*) regulation of sale and preservation of meat, fish and other perishable articles of food ;

(*m*) maintenance of public buildings, grazing lands and forest lands vesting in or under the control of the Panchayat ;

(*n*) preventive and remedial measures against epidemics ;

(*o*) laying out village extensions ;

(*p*) regulating the collection, removal and disposal of manure and sweepings ;

(*q*) disposal of unclaimed corpses and carcasses and unclaimed cattle ;

(*r*) construction and maintenance of public latrines ;

[1][(*rr*) promotion and development of economic conditions with special reference to agriculture ;]

(*s*) such other functions as may be entrusted to the Panchayats by the Government from time to time.

43. *Discretionary functions of Panchayats.*—(1) It shall be competent for a Panchayat, so far as the Panchayat fund at its disposal will allow and subject to the general control of the Government, and the superintendence of the Taluk Board, to make reasonable provision within the village in regard to the following matters, namely :—

(*a*) construction and maintenance of slaughter houses ;

(*b*) relief of the destitute and the sick ;

(*c*) improvement of cattle and their breeding and the general care of the live-stock ;

(*d*) establishment of granaries ;

(*e*) village libraries and reading rooms ;

(*f*) layout and maintenance of play-grounds for village children and of public gardens ;

(*g*) promotion, improvement and encouragement of cottage industries ;

(*h*) destruction of rats and stray and ownerless dogs ;

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1. Inserted by Act 26 of 1961.

(*i*) construction and maintenance of dharmashalas, chattrams and other similar institutions;

(*j*) management and control of washing and bathing ghats which are not managed by any other authority;

(*k*) assistance to the residents when any natural calamity occurs;

(*l*) establishment and maintenance of markets;

(*m*) watch and ward of the village and crops therein;

(*n*) construction and maintenance of houses for the conservancy staff of the Panchayat;

(*o*) establishment and maintenance of dispensaries, and maternity and child welfare centres;

(*p*) veterinary relief;

(*q*) management of minor muzrai institutions;

(*r*) encouragement and development of co-operation;

(*s*) maintenance of essential statistics of the village;

(*t*) regulating and curing, tanning and dyeing of skins and hides;

(*u*) assisting in extinguishing fires;

(*v*) organizing voluntary labour for community work;

(*w*) welfare of Scheduled Castes;

(*x*) regulating, checking and abating of offensive or dangerous trades;

[1][(*y*)]

Provided that the cost of watch and ward under paragraph (*m*) shall be levied and recovered by the Panchayat from such persons in the village and in such manner as may be prescribed.

(2) A Panchayat may also make provision for carrying out within the village any other work or measure which is likely to promote the health, safety, education, comfort, convenience or social or economic well-being of the inhabitants of the village.

(3) A Panchayat may by a resolution passed at its meeting and supported by two-thirds of the total number of its members make provision for or make contribution towards any exhibition, conference or seminar within or outside the village but within the district:

Provided that the Panchayat shall not incur expenditure exceeding twenty-five rupees on any such exhibition, conference or seminar, except with the previous sanction of the Deputy Commissioner.

1. Omitted by Act 26 of 1961

44. *Powers of Taluk Board to transfer maintenance of institutions and execution of other works.*—The Taluk Board may, at any time, with the consent of the Panchayat, transfer to such Panchayat the management of any institution or the execution of any work not provided for in sections 42 and 43 and it shall thereupon be lawful for such Panchayat to undertake the management of such institution or the execution of such work:

Provided that in every such case the funds necessary for such management or execution shall be placed at the disposal of the Panchayat by the Taluk Board.

45. *Other duties.*—(1) The Panchayat shall,

(i) subject to the regulations made by the Taluk Board in this behalf—

(*a*) supervise the labour employed by the Taluk Board on works within the village;

(*b*) execute such works as are entrusted to it by the Taluk Board;

(ii) subject to such conditions as the Government may impose with the consent of the Panchayat concerned, perform such other administrative duties including the distribution of irrigation water as may be assigned to it by the Government, by notification, after consultation with the Taluk Board.

(2) A Panchayat shall not be bound to perform the duties specified in clause (ii) of sub-section (1) unless sufficient funds have been placed at the disposal of the Panchayat by the Taluk Board.

46. *Assignment of functions.*—(1) Subject to any law for the time being in force, the Goverment may by notification and subject to such conditions as may be specified therein,—

(*a*) transfer to any Panchayat the management and maintenance of a forest adjacent to the village;

(*b*) make over to the Panchayat the management of waste lands, pasture lands or vacant lands belonging to the Government situate within the village;

(*c*) entrust the Panchayat with the collection of land revenue on behalf of the Government and the maintenance of such records as are connected therewith;

(*d*) entrust the Panchayat with the management and cultivation of—

(i) common lands,

(ii) lands, the management of which is assumed by Government,

(iii) lands which the owners thereof are unable to cultivate and the management of which may be assumed by the Government under any law for the time being in force:

Provided that when any transfer of the management and maintenance of a forest is made under clause (*a*), the Government shall direct that any amount required for such management and maintenance or an adequate portion of the income from such forest be placed at the disposal of the Panchayat.

(2) The Panchayat shall subject to the prescribed conditions have the power to do all acts necessary and incidental to the carrying out of the functions transferred, made over or entrusted to it under this section.

47. *Power of Government to add to functions of Panchayats.* The Government may, in consultation with the Taluk Board and subject to such conditions as may be imposed by the Government, authorise any Panchayat by a general or special order to exercise any functions or perform any duties other than those specified in sections 42 to 45.

48. *Joint levy of octroi by more than one local body.*—A Town Panchayat may, from time to time, enter, subject to the sanction of the Government, into an agreement with any other Town Panchayat, or with any municipal council, cantonment authority or committee appointed for a town area of with a combination of any such bodies, for the levy of octroi whereby the octroi respectively leviable by the bodies so contracting may be levied together instead of separately within the limits of the area subject to the control of the said bodies:

Provided that, where one of the local bodies is a cantonment authority, the decision of the Government shall be subject to the concurrence of the Central Government.

49. *Government may vest certain lands in Panchayat.*—(1) For the purpose of this Chapter, the Government may by notification and subject to such conditions and restrictions as it may think fit to impose, vest in a Panchayat, open sites, vacant lands or public

roads and streets, wells, river beds, tanks trees or any other property in the village vesting in the Government.

(2) It shall be competent to the Government by notification to resume any property placed under the control of a Panchayat under sub-section (1) on such terms as the Government may determine.

50. *Power of Panchayat to acquire and hold property etc., to be subject to rules.*—The power of every Panchayat to acquire and hold property, both moveable and immoveable, whether within or without the limits of the area over which it has authority, to lease, sell or otherwise transfer any movable or immovable property which may have become vested in or been acquired by it, and to contract and to do all other things necessary for the purposes of this Act, shall be subject to the rules made by the Government in this behalf:

Provided that no lease of immoveable property for a term exceeding five years and no sale or other transfer of any such property shall be valid unless such lease, sale or other transfer shall have been made with the previous sanction of the Commissioner or such other authority as may be prescribed:

Provided also that nothing herein contained shall empower any Panchayat to raise loans except as provided for in section 79 and without the previous sanction of the Government.

51. *General powers of Panchayat.*—(1) A Panchayat shall have power to do all acts necessary for and incidental to the carrying out of the functions entrusted or delegated to it and in particular and without prejudice to the foregoing power to exercise powers specified in section 52, 53, 55, 56, 57 and 58, and the Panchayat may appoint one or more committees to perform any of these functions.

(2) Every Panchayat shall constitute the following committees by election:—

(i) Agriculture Committee;

(ii) Health Committee;

(iii) Village Industries Committee;

and each Committee shall, subject to such instructions as the Panchayat may give from time to time, perform the functions of the Panchayat in respect of agriculture, public health and sanitation, and promotion of village industries, respctively, in the area within the jurisdiction of the Panchayat.

(3) (*a*) The total number of members of each committee shall be such as may be prescribed by rules.

(*b*) Each such committee shall be competent to co-opt in such manner as may be prescribed by rules members of Farmers' clubs, Mahila Mandals, Yuvak Mandals and other similar bodies recognised by the Government, and the rights and liabilities of such co-opted members shall be such as may be prescribed by rules.

52. *Power of Panchayats as to roads, bridges, etc.*—The Panchayat shall have control of all village roads and bridges thereon, cart-tracks, drains, tanks, wells and other public places in the village, not being private property and not being under the control or management of a Taluk Board, Municipal Council or Government, and may do all things necessary for the maintenance and repair thereof and may—

(*a*) lay-out and make new roads ;

(*b*) construct new bridges ;

(*c*) widen, open, enlarge, or otherwise improve any road or bridge ;

(*d*) with the previous sanction of the Deputy Commisioner, divert, discontinue or close any road or bridge ; and

(*e*) deepen or otherwise improve water-ways.

53. *Control of the erection of buildings.*—(1) Subject to such rules as may be prescribed, no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the Panchayat. Such permission shall be presumed to have been granted if no refusal of such permission is communicated within two months of the receipt of the application.

(2) Whenever any building is erected, altered, added to or reconstrcuted without such permision or in any manner contrary to the rules prescribed under sub-section (1) or any conditions imposed by the permission granted, the Panchayat may, whether any action is taken or not against such person under section 235—

(*a*) direct that the building, alteration or addition be stopped ; or

(*b*) by written notice require, within a reasonable period tc be specified therein, such building, alteration or addition to be altered or demolished as it may deem necessary for the promotion of public health or the prevention of danger to life or property.

(3) In the event of non-compliance with the terms of any notice under clause (*b*) of sub-section (2) within the period specified in the notice, it shall be lawful for the Panchayat to take such action as may be necessary for the completion of the act thereby required to be done, and all the expenses therein incurred by the Panchayat shall be paid by the person or persons upon whom the notice was served and shall be recoverable as if it were a tax imposed under section 73.

(4) An appeal shall lie to the Assistant Commissioner from any order or direction or notice of the Panchayat under sub-section (1), (2) or (3) and the decision of the Assistant Commissioner on such appeal shall be final.

54. *Power of Government to prohibit and regulate the erection of building in certain areas without permission*—(1) Notwithstanding anything contained in section 53, the Government may, in the interest of the general public and after consulting the Panchayat concerned, prohibit by notification the erection of any building within a specified area within the jurisdiction of a Panchayat except with permission granted by the Government or any officer authorised by the Government in this behalf (hereinafter in this section referred to as the 'authorised officer'):

Provided that such prohibition shall not be made in respect of land which has been set apart as a building site by the Government or the Panchayat prior to the date of such notification.

(2) Subject to the provisions of sub-section (3), the grant of any permission under sub-section (1) may be subject to such conditions as may be fixed by the Government or the authorised officer in each case or prescribed generally.

(3) The Government may publish a development plan in respect of the area notified under sub-section (1) after following such procedure as may be prescribed and on the publication of such plan no building shall be erected or constructed in such area except in accordance with the specifications and conditions specified in such development plan.

(4) Whoever erects any building contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2) or the provisions of sub-section (3) shall, on conviction, be punished with fine which may extend to five hundred rupees.

(5) The Government or the authorised officer, as the case may be, may demolish any building erected contrary to the provisions of sub-section (1) or in violation of the conditions imposed under sub-section (2) or contrary to the porvisions of sub section (3).

55. *Permission for the construction of factories and the installation of machinery.*—No person shall, without the permission of the Panchayat and except in accordance with the conditions specified in such permission,—

(*a*) construct or establish any factory, workshop or work-place in which it is proposed to employ steam power, water power or other mechanical power or electrical power ; or

(b) instal in any premises any machinery or manufacturing plant driven by any power as aforesaid, not being machinery or manufacturing plant exempted by the rules.

56. *Prohibition of offensive or dangerous trades without licence.*—No place within the jurisdiction of a Panchayat shall be used for the purpose of any trade or business which the Government may, be notification, declare to be offensive or dangerous, except under a licence granted or renewed by the Panchayat and subject to such conditions as may be imposed in the licence.

57. *Control of dairies, hotels, etc.*—No place within the jurisdiction of a Panchayat shall be used as a dairy, hotel, restaurent, eating house, coffee house, sweetmeat shop, bakery, boarding house or lodging house (other than a students' hostel under public or recognised control) or a dharmashala or for manufacturing ice or aerated water, except under a licence granted or renewed by the Panchayat and except in accordance with the conditions specified therein.

58. *Provisions applicable to permissions and licences under sections 55, 56 and 57.*—(1) A permission shall be granted under section 55 and a licence under sections 56 and 57 shall be granted or renewed, only on payment in advance of such fee as may be prescribed.

(2) The Panchayat may, for reasons to be recorded in writing refuse to grant the permission under section 55 or to grant or renew a licence or suspend or cancel a licence granted or renewed under section 56 or 57 for default of any of the conditions subject to which the licence was granted.

(3) Any person aggrieved by the refusal to grant permission under section 55 or to grant or renew a licence or by the suspension or cancellation of a licence under sub-section (2) may, within thirty days of the date of communication of the order, appeal to the Assistant Commissioner and the decision of the Assistant Commissioner on such appeal shall be final.

59. *Transfer of institutions or works to Panchayat.*—Subject to such rules as may be prescribed by the Government, the Deputy Commissioner or any private person or body of persons may, with the consent of a Panchayat and subject to such conditions as may be agreed upon, make over to it the management of any institution or the execution or maintenance of any work or the performance of any duty within the area over which it has got control.

60. *Obstructions and encroachments upon public streets and open sites.*—(1) Whoever within the limits of the village—

(*a*) shall have built or set up or shall build or set up, any wall, any fence, rail, post, stall, verandah, platform, plinth, step or any projecting structure or thing or other, encroachment or obstruction, or

(*b*) shall deposit or cause to be placed or deposited any box bale, package or merchandise, or any other thing, in any public street or place or in or over or upon any open drain, gutter, sewer or aqueduct in such street or place,

shall, on conviction, be punished with fine which may extend to twenty-five rupees and with further fine which may extend to one rupee for every day on which such projection, encroachment, obstruction or deposit continues after the date of first conviction for such offence.

(2) The Panchayat shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open site not being private property, whether such site is vested in the Panchayat or not, provided that if the site be vested in Government the permission of the Deputy Commissioner or any officer authorised by him in this behalf shall have first been obtained. The expense of such removal shall be paid by the person who has caused the said obstruction or encroachment and shall be recoverable as if it were a tax imposed under section 73.

(3) Whoever, not being duly authorised in that behalf, removes earth, sand or other material from, or makes any encroachment in or upon any open site which is not private property shall, on conviction, be punished with fine which may extend to fifty rupees, and,

(i) in the case of an encroachment, with further fine which may extend to two rupees for every day on which the encroachment continues after the date of first conviction ;

(ii) in the case of removal of earth, sand or other material the value of such earth sand or other material shall also be recoverable as a fine.

(4) Nothing contained in this section shall prevent the Panchayat from allowing any temporary occupation of or erection in any public street on occasions of festivals and ceremonies, or the piling of fuel in by-streets and sites for not more than four days, and in such manner as nott o inconvenience the public or any individual.

61. *Power to name streets and number buildings.*—The Panchayat may cause a name to be given to any street and may also cause a number to be affixed to any building and may, from time to time, cause such name and number to be altered.

62. *Removal of structures, trees, etc., which are in ruins or likely to fall.*—(1) If it appears at any time to the Panchayat that any building or any part thereof or any tree or branch of a tree is in a ruinous state or likely to fall or is in any other way dangerous to any person occupying, resorting to or passing by such building or the part thereof or the tree or branch of the tree, the Panchayat may, by written notice, require the owner or occupier of such building or tree, as the case may be,—

(i) to pull down, lop or cut down, or

(ii) to secure, or

(iii) to remove, or

(iv) to repair,

such building or part of it or the tree or the branch of the tree, as the case may be, and to prevent all causes of danger therefrom.

(2) If it appears to the Panchayat that the danger from a building or tree which is ruinous or about to fall is imminent, it may, before the period of notice expires, fence off, pull down, lop or cut down, secure or repair the said building or tree, as the case may be, or take such steps as may be required to arrest the danger.

(3) Any expenses incurred by the Panchayat in this behalf shall be paid by the owner or occupier of the building or tree, as the case may be.

(4) The Panchayat shall issue a notice under sub-section (1) after giving the owner or occupier, as the case may be, a reasonable opportunity of stating any objection, adducing evidence, if any, and after being satisfied that the objection which is raised is invalid or insufficient.

63. *Power as to sanitation, conservancy and drainage*—(1) If it appears necessary to improve the sanitary condition of any area within its jurisdiction, a Panchayat may, by a written notice, require, within a reasonable period to be specified therein—

(i) the owner or occupier of any hut or the owner of any privy to remove such hut or privy either wholly or in part;

(ii) the owner or occupier of any building to construct private drains therefor or to alter or to remove private drains thereof;

(iii) the owner or occupier of any land or building which needs to be cleansed, to cause the same to be cleansed to the satisfaction of the Panchayat;

(iv) the owner or occupier of any land or building which contains a well, pool, ditch, pit, pond tank or any place containing or used for the collection of any drainage, filth or stagnant water, which is injurious to health or offensive to the neighbourhood or is otherwise a source of nuisance, to cause the same to be filled up, cleansed or deepened or to cause the water to be removed therefrom or drained off or to take such other action therewith, as may be deemed necessary by the Panchayat;

(v) the owner or occupier of any land overgrown with vegetation, undergrowth, prickly pear, or jungle, which is in any manner injurious to health or dangerous to the public or offensive to the neighbourhood or an impediment to efficient ventilation, to cause it to be cleared of the vegetation undergrowth, prickly pear or jungle.

(2) If any work required by a notice under sub section (1) is not executed within the period specified in the notice, the Panchayat may itself cause such work to be carried out and may recover the cost of such work or part thereof from the owner or occupier referred to in sub-section (1) as if it were a tax imposed under section 73.

64. *Contributions from persons having control over places of pilgrimage, etc.*—(1) Where a mosque, temple, mutt or any place of religious worship or instruction or any place which is used for holding fairs, or festivals or for other like purposes is situated within the limits of a village or in the neighbourhood thereof and attracts either throughout the year or on particular occasions a large number of persons, any special arrangements necessary for public health, safety or convenience, whether permanent or temporary, shall be made by

the Panchayat; but the Commissioner may after consulting the trustee or other person having control over such place require him to make such recurring or non-recurring contribution to the funds of the Panchayat as he may determine.

(2) Any contribution directed to be paid under sub section (1) shall be recoverable as arrears of land revenue.

65. *Power for providing adequate water supply.*—(1) For providing the area under its control or any part thereof with a supply of water, pure and sufficient for public and private purposes, the Panchayat may—

(*a*) construct, repair and maintain tanks or wells and clear streams or water courses;

(*b*) purchase or acquire by gift or otherwise, any tank, well, stream or water course, or any right to take or convey water within or without the area under its control;

(*c*) with the consent of the owner thereof, utilise, cleanse or repair any tank, well, stream or water course or provide facilities for obtaining water therefrom;

(*d*) contract with any person for supply of water; or

(*e*) do any other acts necessary for carrying out the purposes of this section.

(2) The Panchayat may, by order published at such places as it may think fit, set apart for the supply of water to the public for drinking or culinary purposes, any tank, well, stream, or water course in respect of which action has been taken under clause (*a*) or (*b*) or (*c*) of sub-section (1) subject to any rights which the owner referred to in clause (*c*) of sub-section (1) may retain with the consent of the Panchayat.

(3) The Panchayat may, by order published at such places as it may think fit, prohibit—

(*a*) bathing, washing of clothes and animals, or other acts likely to pollute the water of any tank, well, stream or watercourse set apart for drinking or culinary purposes under sub section (2); and

(*b*) during epidemics the use of any source of water supply for drinking or culinary purposes or for the washing of clothes.

66. *Power of Government to make rules regarding provision of water supply.*—Subject to such rules as the Government may make in this behalf, a Panchayat may make bye-laws for conserving and

preventing injury to sources and means of water supply and appliances for the distribution of water whether within or without the limits of the Panchayat; and for regulating all matters connected with the supply and use of water, and the turning on, or turning off, and preventing the waste of water, and the construction, maintenance and control of Panchayat water works and pipes and fittings in con nection therewith, whether the property of the Panchayat or not.

67. *Power of entry.*—Any member, officer or servant of a Panchayat may enter into or upon any building or land with or without assistants or workmen, in order to make any inspection or execute any work for any of the purposes of this Act:

Provided that—

(*a*) no such entry shall be made between sunset and sunrise;

(*b*) unless the entry be with the consent of its occupier, no dwelling house shall be so entered without giving reasonable previous notice signed by the Chairman or by a person duly authorised by him in this behalf of the intention to make such entry; and

(*c*) due regard shall be had in making such entry to the social and religious usages of the occupants of the premises entered.

68. *Additional powers of Town Panchayats.*—In addition to the powers exercisable under the preceding sections of this Chapter, every Town Panchayat shall within its jurisdiction exercise the powers conferred on a Taluk Board and the Chief Executive Officer under sections 146 to 159 (both inclusive) and the provisions of the said sections shall, *mutatis mutandis*, be applicable to the area within the jurisdiction of a Town Panchayat; and notwithstanding anything contained in this Act the Taluk Board and the Chief Executive Officer shall not be competent to exercise the powers under the said sections within the jurisdiction of a Town Panchayat.

CHAPTER IV

Property and Finance

69. *Property of Panchayat.*—(1) It shall be competent to a Taluk Board with the concurrance of the Panchayat from time to time to direct that any property vesting in the Taluk Board shall vest in a Panchayat and on such direction being issued, the property shall vest in the Panchayat notwithstanding anything contained in the Transfer of Property Act, 1882, or the Indian Registration Act, 1908,

Provided that no lease, sale or other transfer of any such immoveable property by the Panchayat shall be valid without the previous sanction of the Taluk Board

(2) Every work constructed by a Panchayat out of the Panchayat fund shall vest in such Panchayat.

70. *Decision of claims to property by or against Panchayat.*—(1) In any village to which a survey of lands other than lands ordinarily used for the purpose of agriculture only has been or shall be extended under any law for the time being in force, where any property or any right in or over any property is claimed by or on behalf of the Panchayat, or by any person as against the Panchayat, it shall be lawful for the Deputy Commissioner, after enquiry of which due notice has been given, to pass an order deciding the claim.

(2) Any suit instituted in any civil court after the expiration of one year from the date of any order passed by the Deputy Commissioner under sub-section (1), or if any appeal has been made against such order within the period of limitation, then, from the date of any order passed by the appellate authority, shall be dismissed (although limitation has not been set up as a defence) if the suit is brought to set aside such order or if the relief claimed is inconsistent with such order, provided that the plaintiff has received due notice of such order.

(3) Any person shall be deemed to have had due notice of any inquiry oro rder under this section if notice has been given in the prescribed manner.

71. *Panchayat Fund.*—(1) There shall be for each Panchayat a fund called the Panchayat fund.

(2) The following shall form part of, or be paid into, the Panchayat fund, namely :—

(*a*) the amount which may be allotted to the Panchayat fund by the Government [1][or by a Taluk Board] under the provisions of this or any other Act :

(*b*) the proceeds of any tax imposed by the Panchayat :

(*c*) all sums ordered by a court to be placed to the credit of the Panchayat fund :

(*d*) the sale proceeds, except in so far as any person is entitled to the whole or a portion thereof, of all dust, dirt, dung or refuse (including the dead bodies of animals) collected by the servants of the Panchayat ;

1. Inserted by Ordinance No. 6 of 1969.

(*e*) sums contributed to the Panchayat fund by the Government or a Taluk Board ;

(*f*) all sums received by way of loans or contributions from the Government or the Taluk Board of any other authority or person or by way of gift ;

(*g*) the income or proceeds of any property vesting in the Panchayat ; and

(*h*) sums raised by way of loans by the Panchayat with the previous sanction of the Government.

72. *Application of Panchayat fund.*—All property vested in the Panchayat under this Act, and all funds received by it in accordance with the provisions of this Act, and all sums accruing to it under the provisions of any law for the time being in force, shall be applied subject to the provisions and for the purposes of this Act, and all such funds and sums shall be kept in deposit in a Government Savings Bank or a Postal Savings Bank, or in a Scheduled Bank or Co-operative Bank in the State approved by the Deputy Commissioner.

73. *Taxes and certain fees.*—(1) Every Panchayat shall in such manner and subject to such exemptions and at such rates as may be prescribed, not exceeding the maximum rates specified in Schedule I, levy—

(*a*) a tax upon buildings whether or not the lands on which the buildings are constructed are subject to payment of agricultural assessment, and upon lands which are not subject to payment of agricultural assessment, within the limits of the village ;

(*b*) a tax on professions, trades, callings and employments ; and

(*c*) a tax on places where a trade or business is carried on for purposes of profit, payable by the person or persons engaged in the trade or business :

Provided that where the Panchayat elects to levy a tax under clause (c), the person or persons paying the tax shall be exempt from payment of a tax under clause (b) in respect of the trade or business carried on in such place.

(2) Where an owner of a building or land has left the village or cannot otherwise be found, any person to whom such building or land has been transferred shall be liable for the tax leviable under sub-section (1) from such owner.

[1][(3) A Town Panchayat may levy octroi at such rates as the Panchayat may by bye-laws determine not exceeding the maximum rate specified in Schedule I and in such manner and subject to such exemptions as may be prescribed;

Provided that no octroi shall be leviable in respect of agricultural produce grown in any area within the jurisdiction of the Town Panchayat;

[2][(3A) (*a*) A Town Panchayat may, if in its opinion it is necessary to make special arrangements for the health and comfort of persons resorting to any Shrine, Jatra or Urs periodically within the limits of the Town Panchayat, by resolution, and with the previous sanction of the Government, levy a fee not exceeding fifty paise *per capita* on persons over twelve years of age resorting to such Shrine Jatra or Urs and in such resolution specify the rate of fee and the period or periods during which the fee shall be levied. The levy of fees under this sub-section shall be published by such Panchayat in such manner as may be prescribed.

(*b*) No portion of the proceeds of fees levied under this sub-section shall be expended for purposes other than meeting the charges of the establishment for collection of such fees and the making of arrangements for the health and comfort of persons resorting to such area or the improvement or development of such area.

(*c*) The levy and collection of such fees shall be made in such manner and be subject to such conditions and exemptions as may be prescribed.];

(4) A Panchayat may levy all or any of the following taxes or fees at such rates as the Panchayat [1][may by bye-laws determine] not exceeding the maximum rates specified in Schedule I and in such manner and subject to such exemptions as may be prescribed, namely:—

(i) a tax on fairs, festivals and entertainments;

(ii) a tax on vehicles other than motor vehicles;

(iii) a fee on bus stands;

(iv) a fee on markets;

(v) a fee on cart stands;

(vi) a fee for supply of water from water works vesting in the Panchayat;

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1. Substituted by Act 26 of 1961.
2. Insterted by Ordinance No. 6 of 1960.

Provided that no fee on bus stands shall be levied unless a bus stand with adequate facilities for travellers is established and the previous sanction of the Deputy Commissioner for such levy is obtained.

[3][(4A) (*a*) A Panchayat may on application by any person liable to pay tax or taxes under this section, permit him subject to such conditions as may be prescribed, to compound such tax or taxes, by paying in lieu thereof, such amount annually as the Panchayat may, with the approval of the Government, specify.

(*b*) The permission granted under clause (*a*) shall be in force for the period for which it is granted, and in respect of that period, the provisions of this Act relating to the assessment of such tax or taxes or any other matter incidental thereto shall not apply in relation to the grantee.

(*c*) The amount payable under clause (*a*) shall be deemed to be a tax payable under this Act, by the person concerned and shall be recoverable accordingly.

(5) The Government may, after giving an opportunity to the Panchayat to be heard, by notification, suspend the levy or imposition of any tax or fee or [1][reduce the rate at which any tax or fee is levied or imposed] and may at any time rescind such suspension [2][or reduction].

74. *Appeal against assessment, etc.*—Any person aggrieved by the assessment, levy or imposition of any such tax or fee may appeal to the Commissioner. The decision of the Commissioner in the matter shall be final.

75. *Farming of market fees, etc.*—It shall be lawful for a Panchayat to lease by public auction or, with the previous sanction of the Deputy Commissioner by private contract, the collection of any fees imposed under clause (iv) or (v) of sub-section (4) of section 73 :

Provided that the lessee shall give adequate security for the due fulfilment of the conditions of the lease.

76. *Power of Deputy Commissioner to direct increase of taxation of Panchayat.*—(1) If in the opinion of the Deputy Commissioner the regular income of a Panchayat falls below what is necessary for the proper discharge of the duties specified in sections 42 and 43,

1. Inserted by Act 26 of 1961.
2. Added by Act 26 of 1961.
3. Inserted by Ordinance 6 of 1969.

the Deputy Commissioner may require the Panchayat to take steps, within six months, to increase its income to such extent as he considers necessary. If the Panchayat fails to take adequate steps to raise its income to the required extent, the Deputy Commissioner may require it to levy or increase any of the taxes or fees specified in section 73.

(2) Any Panchayat may appeal to the Commissioner against an order under sub-section (1) and the Commissioner may stay the execution of such order until the appeal is decided.

77. *Recovery of taxes and other dues.*—(1) When any tax or fee has become due, a Panchayat shall with the least practicable delay, cause to be presented to the person liable for the payment thereof a bill for the amount due from him, specifying the date on or before which the amount shall be paid.

(2) If any person fails to pay any tax or fee or any other sum due to a Panchayat under this Act or the rules or bye-laws on or before the specified date of payment, the Panchayat shall cause a writ of demand in the prescribed form to be served on the defaulter.

(3) The presentation of every bill under sub-section (1) and the service of every writ of demand under sub-section (2), shall be effected by an officer or servant of the Panchayat or other person effected [1][by the Village Accountant].—

(*a*) by giving or tendering the bill or writ to the person to whom it is addressed, or

(*b*) if such person is not found, by leaving the bill or writ at his last known place of abode, if within the limits of the village, or by giving or tendering the bill or writ to some adult male member or servant of his family ; or

(*c*) if such person does not reside within the limits of the village and his address elsewhere is known to the Chairman or other person directing the issue of the bill or writ, then by forwarding the bill or write to such person by registered post, under cover bearing the said address

or

(*d*) if none of the means aforesaid be available, then by causing the bill or writ to be affixed on some conspicuous part of the building or land, if any, to which the bill or writ relates.

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1 Sub. by Ordinance No. 6 of 1969.

[1][" *Explanation.*—'Village Accountant having jurisdiction' means the Village Accountant appointed under the Mysore Land Revenue Act, 1964 (Mysore Act 12 of 1964), and where different Village Accountants have been appointed for different parts of the village (the parts consisting of revenue villages or groups of revenue villages), the Village Accountant appointed for any part shall be deemed to be the Village Accountant having jurisdiction in respect of that part of such village.

(4) If the sum for which a writ of demand has been served is not paid within thirty days from the date of such service, the Panchayat may levy such sum by distraint and sale of the movable property of the defaulter in the prescribed manner.

(5) Fees for—

(*a*) every distress made under sub-section (4);

(*b*) every writ of demand issued under sub-section (2);

(*c*) the cost of maintaining any live-stock seized under sub-section (4);

shall be chargeable at such rates as may be prescribed.

(6) Nothwithstanding anything contained in the foregoing sub-section any tax or fee payable on demand in accordance with the rules shall be recoverable in such manner as may be prescribed.

[1][" (6A) A tax, fee or other sum due to a Panchayat under this Act, shall without prejudice to any other mode of collection, be recoverable as an arrear of land revenue."];

[2][( ) Notwithstanding anything contained in the preceding sub-sections, the Tahsildar of the taluk may, *suo motu* or on the request of Panchayat, recover a tax, fee or other sum due to such Panchayat as an arrear of land revenue].

78. *Grant by the Government.*—(1) The Government shall make annually a grant to every Panchayat of an amount equal to thirty per cent of the land revenue collection of the village.

(2) The Government shall also assign to the Panchayats in the State an amount equal to [2][ten per cent] of the land revenue collection of the State, the amount to be allotted to any Panchayat being such as the Government may, from time to time, determine, to be expended on such purposes as the Government may from time to time direct.

(3) For determining the land revenue collection of a village and of the State, for purposes of sub-sections (1) and (2), the Deputy Commissioner in respect of the village and the Government

1. Added by Ordinance No. 6 of 1969.
2. Sub. by Ordinance No. 6 of 1969.

in respect of the State, shall determine every four years the average land revenue collection on the basis of the said collection for a period of five years preceding the date of such determination, and the said average land revenue collection shall be deemed to be the land revenue collection payable or assignable, as the case may be, for a period of four years from the date of such determination.

(4) The amounts granted and assigned to a Panchayat under sub-sections (1) and (2) shall be credited to the Panchayat Fund at such times and in such manner as may be prescribed.

79. *Loan by Taluk Boards.*—The Taluk Board may, subject to such rules as may be prescribed, grant a loan to a Panchayat within the taluk for the purposes of this Act.

80. *Secretary.*—(1) Every Panchayat shall have a Secretary who shall be appointed by the Commissioner in accordance with such rules as may be prescribed:

Provided that any two or more Panchayats, if the villages for which they are established are situate within a distance of five miles from each of such villages and each such Panchayat has an annual income not exceeding two thousand rupees, may have the same person as the Secretary common to each of them. Such Panhayats shall pay the salary and allowances of the Secretary in such proportion as the Commissioner may from time to time determine:

Provided further that if there are more than one Panchayat established for villages within a distance of three miles from each of such villages, such Panchayats not exceeding three in number, may have the same person as the Secretary common to each of them, notwithstanding the fact that one of the said Panchayats has an annual income exceeding two thousand rupees.

(2) Subject to the provisions of rules made under the proviso to Article 309 of the Constitution, the qualifications, powers, duties, remuneration and conditions of service including disciplinary matters of such Secretary shall be such as may be prescribed.

(3) Government may by general or special order entrust such other duties as it may specify to the Secretary and he shall carry out those duties. On such entrustment, the expenditure on account of the salary and allowances of the Secretary shall be apportioned between the Panchayat or Panchayats and the Government in such manner as may be prescribed.

81. *Schedule of servants.*—Subject to the provisions of sub-section (1) of section 221, a Panchayat shall determine and submit

for information to the Deputy Commissioner a schedule of the number and salaries of its servants required for carrying out the duties imposed upon the Panchayat by or under this Act.

82. *Appointment of servants.*—(1) The Panchayat shall appoint the servants of the Panchayat and pay their salaries from the Panchayat fund at its disposal. It may also, in cases of emergency, engage such temporary servants as it may deem necessary. The Secretary of the Panchayat may, by a written order, fine, suspend, withhold the increment or reduce the pay of, any servant appointed by the Panchayat. The Panchayat may dismiss any servant appointed by it.

(2) An appeal shall lie against an order passed by the Secretary under sub-section (1) to the Panchayat and against an order passed by the Panchayat to the Assistant Commissioner.

83. *Budget and accounts.—Panchayat to convene a meeting of residents of village.*—(1) A Panchayat shall determine annually and shall forward to the Chief Executive Officer of the Taluk Board on or before such date and in such form as may be prescribed by the Government, a statement of—

(*a*) the opening balance and estimated income of the Panchayat for the following financial year;

(*b*) the expenditure proposed on establishment and the discharge of the duties specified in section 42; and

(*c*) the expenditure proposed on the discharge of duties specified in section 43 and sub-section (1) of section 45.

(2) The Chief Executive Officer of the Taluk Board shall, within two months from the date of the receipt of such statement, either approve the same or direct that the proposed expenditure on any of the duties specified in sections 42, 43 and 45 shall be increased or decreased:

Provided that the Chief Executive Officer shall not have power to direct that the total proposed expenditure shall exceed the estimated income of the Panchayat fund for the following year and the opening balance.

(3) The Secretary of the Panchayat shall keep the accounts in such form as may be prescribed. He shall prepare the annual report of the administration of the Panchayat and shall place the accounts and the report for approval before the Panchayat. The annual statement of such accounts together with the annual report as approved shall be sent to the Taluk Board on or before such date and in such form as may be prescribed.

(4) A Panchayat shall convene, in such manner and at such time as may be prescribed a meeting of the adult residents of the village and the statement of the accounts together with the report on the administration for the preceding year and the programme of the work proposed for the following year shall be read out and explained at such meeting.

84. *Power to write off irrecoverable amounts.*—Subject to such restrictions and control as may be prescribed, a Panchayat may write off any tax, fee or other amount whatsoever due to it, whether under a contract or otherwise, or any sum payable in connection therewith, if in its opinion, such tax, fee amount or sum is irrecoverable:

Provided that where the Deputy Commissioner or any of his subordinates is entrusted with the collection of any tax, fee or other amount due to a Panchayat, the power to write off such tax, fee or amount or any sum payable in connection therewith, on the ground of its being irrecoverable shall be subject to the approval of the Deputy Commissioner or any officer authorised by him.

85. *Irrecoverable sums.*—The Deputy Commissioner may direct—

(*a*) any arrear of tax or fee or any other sum due to a Panchayat and recoverable through a Tahsildar under sub-section (7) of section 77; or

(*b*) any other sum due to a Panchayat whether under this Act or otherwise;

to be written off, if in the opinion of the Deputy Commissioner such arrear or sum is irrecoverable:

Provided that no sum exceeding five hundred rupees shall be written off under clause (*b*) except with the previous sanction of the Government.

86. *Audit of accounts.*—(1) The accounts of Panchayats shall be audited each year by such one of the officers as may be authorised by the Government to audit the accounts of Panchayats (hereinafter referred to as the auditor).

(2) The auditor shall, within one month after the completion of audit, forward a copy of the audit report to the Panchayat and to the Deputy Commissioner.

(3) On receipt of the audit report, the Panchayat shall either remedy any defects or irregularities which may have been pointed out in the report and send to the Deputy Commissioner within three

months an intimation of its having done so, or shall within the same period furnish to the Deputy Commissioner any further explanation in regard to such defects or irregularities as it may wish to give.

(4) On receipt of such intimation or explanation, the Deputy Commissioner may in respect of all or any of the matters discussed in the audit report—

(*a*) accept the intimation or explanation given by the Panchayat and order the withdrawal of the objection, or

(*b*) direct that the matter be reinvestigated at the next audit or at any earlier date, or

(*c*) direct that the defects or irregularities pointed out in the audit report or any of them shall be removed or remedied by the Panchayat.

(5) The Deputy Commissioner may, after making such further enquiry as he may consider necessary, disallow any item of expenditure which appears to him to be contrary to law and surcharge the amount thereof on the person making or authorising illegal payment, and

(*a*) if the person on whom the surcharge is made is a member he shall be proceeded against in the manner specified in sub-sections (2) and (3) of section 208;

(*b*) if the person on whom the surcharge is made is not a member, then, after taking the explanation of the person concerned, the Deputy Commissioner may direct, by an order in writing, that such person shall pay to the Panchayat the amount surcharged, and if the amount is not so paid, the Deputy Commissioner shall recover it as an arrear of land revenue and credit it to the Panchayat fund.

CHAPTER V

PROVISIONS FOR CONVERSION OF A MUNICIPALITY INTO A PANCHAYAT *and vice versa* AND FOR AMALGAMATION AND DIVISION OF PANCHAYATS.

87. *Interpretation.*—For the purpose of this Chapter, unless the context otherwise requires—

(*a*) "municipal council" includes a person or persons appointed to exercise the powers and to perform the functions of a municipal council;

(*b*) "Panchayat" includes a person or persons appointed to exercise the powers and to perform the functions of a Panchayat under section 203.

88. *Effect of conversion of municipality into Panchayat.*— When any local area ceases to be a municipality by virtue of a notification under the law governing such municipality, and is declared to be a village under section 3 (hereinafter in this section referred to as the village), with effect from the day on which such local area is declared to be a village (hereinafter in this section referred to as the specified date), the following consequences shall ensue, namely,—

(*a*) the municipal council of such local area shall cease to exist or to function;

(*b*) there shall be constituted for the village an interim Panchayat consisting of persons vacating office as councillors of the municipality and the President and Vice-President of Municipal Council shall, respectively, be deemed to be the Chairman and Vice-Chairman of the interim Panchayat;

(*c*) the unexpended balance of the municipal fund and the property (including arrears of rates, taxes and fees) belonging to the municipal council and all rights and powers which, prior to such notification, vested in the municipal council shall, subject to all charges and liabilities affecting the same, vest in the interim Panchayat as the Panchayat fund until a new Panchayat is constituted in pursuance of the provisions of sub-section (1) of section 89;

(*d*) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made, issued, imposed or granted under the municipal law immediately before the specified date in respect of such local area shall continue in force and be deemed to have been made, issued, imposed or granted in respect of the village until it is superseded or modified by any appointment, notification, notice, tax, order, scheme, licence, permission rule, bye-law or form made, issued, imposed or granted under this Act;

(*e*) all budget estimates, assessments, assessment lists. valuations or measurements made or authenticated under the municipal law immediately before the specified date in respect of such local area shall be deemed to have been made or authenticated under this Act;

(*f*) all debts and obligations incurred and all contracts made by or on behalf of the municipal council immediately before the specified date and subsisting on the specified date shall be deemed to have been incurred and made by the Panchayat in exercise of the powers conferred on it by this Act;

(*g*) all officers and servants in the employ of the municipal council immediately before the specified date shall be officers and servants of the Panchayat under this Act and shall, until other provision is made in accordance with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled or subject immediately before such date :

Provided that it shall be competent to the Panchayat, subject to the previous sanction of the Government, to discontinue the services of any officer or servant who, in its opinion, is not necessary or suitable to the requirements of the Panchayat service, after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are discontinued, shall be entitled to such leave, pension, provident fund and gratuity as he would have been entitled to take or receive on being invalided out of service as if the municipal council in the employ of which he was, had not ceased to exist ;

(*h*) all proceedings pending immediately before the specified date before the municipal council shall be deemed to be transferred to and continued by the Panchayat ;

(*i*) all appeals pending immediately before the specified date before the municipal council shall, so far as may be practicable, be disposed of as if such local area had been included in the village when they were filed ;

(*j*) all prosecutions instituted by or on behalf of the municipal council and all suits or other legal proceedings instituted by or against such municipal council or any officer of such municipal council pending on the specified date shall be continued by or against the Panchayat as if such local area had been included in the village when such prosecutions, suits or proceedings were instituted.

89. *Term of office of members of interim Panchayat and their powers.*—(1) The Deputy Commissioner shall take steps to hold election for a new Panchayat within a period not exceeding one year from the date on which the interim Panchayat has been constituted under section 88.

(2) The members of the interim Panchayat shall hold office until the date immediately preceding the date of first meeting of the new Panchayat.

(3) Any vacancy in the office of the interim Panchayat shall be filled as soon as it conveniently may be, by appointment by the Deputy Commissioner.

(4) All arrears of rates, taxes and fees vesting in the interim Panchayat shall, notwithstanding that such rates, taxes and fees cannot be levied under this Act, be recoverable in the same manner as a tax levied under section 73 of this Act:

Provided that steps to recover arrears of rates, taxes and fees shall be taken within a period of three years from the date on which they vest in the interim Panchayat.

(5) In other respects the provisions of this Act shall, *mutatis mutandis* apply to the interim Panchayat and its members.

(6) If any difficulty arises—

(i) in the constitution of the interim Panchayat or the new Panchayat which succeeds it, or

(ii) in giving effect to the provisions of section 86 and this section,

the Government may, by notification as occasion may require, do notwithstanding anything contained in this Act or any other law, anything which appears to it to be necessary to remove the difficulty.

90. *Effect of amalgamation of villages*—When two or more villages cease to be villages and the local areas constituting such villages are amalgamated and declared to be one village (hereinafter in this section referred to as the amalgamated village) by virtue of a notification under section 3, with effect from the date on which such notification is issued (hereinafter in this section referred to as the specified date) the following consequences shall ensue, namely:—

(*a*) the Panchayats of such local areas shall cease to exist and all the members of such Panchayats shall vacate office;

(*b*) all powers and duties of such Panchayats shall be exercised and performed by such person (hereinafter referred to as the administrator) as the Government appoints in this behalf;

(*c*) the unexpended balance of the Panchayat funds and all the properties (including arrears of rates, taxes and fees) belonging to such Panchayats and all rights and powers which, prior to the specified date, vested in such Panchayats shall, subject to all charges and liabilities affecting the same, vest as the Panchayat fund,—

(i) in the administrator, until the Panchayat for the amalgamated village is constituted (hereinafter referred to as the amalgamated Panchayat) and the term of office of its members commence under section 25; and

(ii) thereafter, in the amalgamated Panchayat;

(*d*) the unexpended balance of the Panchayat funds and all the properties (including arrears of rates, taxes and fees) shall, until the amalgamated Panchayat is constituted, be utilised for the benefit of the inhabitants of such local areas in such manner as the adminstrator may think fit;

(*e*) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law, or form made, issued, imposed or granted in respect of such local areas and in force on the specified date shall continue in force and be deemed to have been made, issued, imposed or granted in respect of the amalgamated village until it is superseded or modified by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law, or form made issued, imposed or granted under this Act;

(*f*) all budget estimates, assessments, assessment lists, valuations or measurements made or authenticated by such Panchayats immediately before the specified date shall be deemed to have been made or authenticated in respect of the amalgamated Panchayat under this Act;

(*g*) all debts and obligations incurred and all contracts made by or on behalf of such Panchayats immediately before the specified date and subsisting on the specified date shall be deemed to have been incurred and made by the amalgamated Panchayat in exercise of the powers conferred on it by this Act;

(*h*) all officers and servants in the employ of such Panchayats immediately before the specified date shall be officers and servants of the amalgamated Panchayat and shall, until other provision is made in accordance with this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled or subject immediately before such date:

Provided that it shall be competent for the administrator or the amalgamated Panchayat, subject to the previous sanction of the Government, to discontinue the services of any officer or servant who, in his, or its, opinion, is not necessary or suitable to the requirements of the Panchayat service in respect of the amalgamated village, after giving such officer or servant such notice as is required to be given by the terms of his employment, and every officer or servant whose services are discontinued, shall be entitled to such leave, pension, provident fund and gratuity, as he would have been entitled to take or receive on being invalided out of service, as if the Panchayats, in the employ of which he was, had not ceased to exist;

(*i*) all proceedings pending immediately before the specified date before such Panchayats shall be deemed to be transferred to and continued by the administrator or the amalgamated Panchayat, as the case may be;

(*j*) all appeals pending before such Panchayats immediately before the specified date shall so far as may be practicable be disposed of by the administrator or the amalgamated Panchayat, as the case may be;

(*k*) all prosecutions instituted by or on behalf of such Panchayats and all suits or other legal proceedings instituted by or against such Panchayats or any officer of such Panchayats pending on the specified date shall be continued by or against the amalgamated Panchayat.

91. *Effect of division of village.*—Where any local area comprised within the limits of a village ceases to be a village and is declared as constituting two or more new villages by virtue of a notification under section 3, with effect from the date on which such notification is issued (hereinafter in this section referred to as the specified date), the following consequences shall ensue, namely:—

(*a*) the Panchayat constituted in respect of such local area shall cease to exist or to function and all the members of the Panchayat shall vacate office;

(*b*) all the powers and duties of the Panchayat for each of the new villages shall, until Panchayats are constituted for such villages, be exercised and performed by such person (hereinafter referred to as the administrator) as the Government shall appoint;

(*c*) the unexpended balance of the Panchayat fund and all the property including arrears of rates, taxes, and fees belonging to such Panchayat shall vest in the new Panchayats in such proportion and in such manner as the Government may direct;

(*d*) the officers and servants of such Panchayat shall be allocated by the Government between the new Panchayats in such manner as the Government may direct;

(*e*) subject to clauses (*a*) to (*d*) the provisions of section 88 shall *mutatis mutandis* apply to the administrator of the new Panchayats and their members.

92. *Dissolution and reconstitution of Panchayat on alterations of limits of village.*—(1) When during the term of a Panchayat, on account of the constitution of a new village or for any other reason,

the limits of a village are altered, the Deputy Commissioner may by order published in the official gazette, dissolve such Panchayat and direct a Panchayat—

(*i*) to be reconstituted for the village of which the Panchayat has been dissolved ; or

(*ii*) to be established for a village which has been newly constituted.

(2) The members of the Panchayat which has been dissolved under sub-section (1), shall vacate their office from the date specified in the order of the Deputy Commissioner.

(3) The Panchayat reconstituted or established under the provisions of sub-section (1), shall consist of such members, either elected or appointed in such manner as the Deputy Commissioner shall, by order in writing, direct.

(4) The Chairman and Vice-Chairman of the Panchayat so reconstituted shall be elected in the manner provided in this Act.

(5) The term of the Panchayat so reconstituted or established shall be for such period, not exceeding one year, as the Deputy Commissioner shall, by order in writing, specify.

(6) On the expiry of the term of the Panchayat in accordance with the provisions of sub-section (5), the Panchayat shall be constituted in the manner provided by this Act.

93. *Vesting of property, etc., of Panchayat which has been dissolved in reconstituted or established Panchayat.*—(1) When a Panchayat has been dissolved and reconstituted or established under section 92, so much of the Panchayat Fund and other property vesting in the Panchayat which has been dissolved shall vest in, and such portion of the debts and obligations shall be transferred to, the Panchayat constituted or established under section 92, as the Deputy Commissioner may, by order in writing, direct.

(2) The rights and liabilities of the Panchayat which has been dissolved in respect of civil and criminal proceedings, contracts, agreements, and other matters or things arising in or relating to any part of the area subject to the authority of the Panchayat reconstituted or established, shall vest in such Panchayat.

(3) Any appointment, notification, notice, tax, order, scheme, licence, Permission rule, bye-law or form made issued, imposed or granted by the Panchayat which has been dissolved, in respect of any part of the area subject to the authority of the Panchayat which has been reconstituted or established, shall be deemed to have been

made, issued, imposed or granted by such Panchayat unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made, issued imposed or granted by such Panchayat.

94. *Removal of difficulties.*—If any difficulty arises in giving effect to the provisions of sections 90, 91, 92 and 93, the Government may, by order published in the official gazette, as the occasion may require, do anything which appears to it to be necessary to remove the difficulty.

PART III—TALUK DEVELOPMENT BOARDS

CHAPTER VI

Constitution of Taluk Boards

95. *Establishment of Taluk Boards and their incorporation.*—(1) For each revenue taluk, there shall be a Taluk Development Board having jurisdiction over the entire taluk, excluding such portions of the taluk, as are included in a municipality or are under the authority of a Sanitary Board or [1][a Notified Area Committee constituted under the Mysore Municipalities Act, 1964] or any law for the time being in force.

(2) Every Taluk Board shall be a body corporate by the name of " ..... Taluk Development Board," shall have perpetual succession and a common seal and subject to such restrictions as are imposed by or under this or any other enactment, shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property, moveable or immoveable, whether without or within the limits of the area over which it has authority, of entering into contracts and of doing all things necessary, proper or expedient for the purposes for which it is constituted.

96. *Composition of Taluk Boards.*—(1) Every Taluk Board shall consist of members directly elected by ballot by the voters in each taluk to fill the general seats and seats reserved for Scheduled Castes and women in accordance with the provisions of this Act and the rules made thereunder.

(2) The members of the State Legislative Assembly representing a part or whole of the taluk whose territorial constituencies lie

1. Substituted by Act 22 of 1964.

within the Taluk, and the members of the State Legislative Council ordinarily resident in the taluk shall be entitled to take part in the proceedings of, and vote at, the meetings of the Taluk Board.

97. *Strength of elected members.*—The number of elected members of a Taluk Board referred to in sub-section(1) of section 96 shall be such as may be specified by the Government by notification, on the basis of the population of the taluk (excluding such portions of the taluk as are included in a municipality or area under the authority of a Sanitary Board, Town Board, Town Area Committee, Notified Area Committee or Cantonment Board) as indicated in the following table :—

TABLE.

Taluk with a population of—	No. of seats
1. Less than one lakh at the last Census ..	15
2. One lakh and above at the last Census ..	19

98. *Representation of Scheduled Castes.*—Seats shall be reserved in a Taluk Board for the Scheduled Castes, the number of such seats bearing, as nearly as may be, the same proportion to the total number of seats in the Taluk Board as the population of the Schedule Castes in the taluk bears to the total population of the Taluk :

Provided that this section shall cease to have effect after the period specified in article 334 of the Constitution :

Provided further that the preceding proviso shall not affect any representation in a Taluk Board until the expiry of the term of office of its members.

Explanation.—" Population ", for purposes of this section shall be computed in the same manner as is specified in section 97.

99. *Representation of women.*—Seats shall be reserved in every Taluk Board for women, the number of seats so reserved being not more than two in any Taluk Board.

100. *Delimitation of territorial constituencies.*—(1) Subject to the provisions of sub-section (2), the Government shall by notification determine—

(*a*) the constituencies into which the area within the jurisdiction of every Taluk Board shall be divided for the purposes of elections to such Taluk Board ;

(*b*) the extent of each constituency ;

(*c*) the number of seats allotted to each constituency which shall be either two or three ; and

(*d*) the number of seats, if any, reserved for Scheduled Castes or women in each constituency.

(2) The ratio between the number of members to be elected from each territorial constituency in a taluk and the population of that constituency as ascertained at the last preceding census shall, so far as practicable, be the same throughout the taluk.

101. *List of voters.*—The electoral roll of the Mysore Legislative Assembly for the time being in force for such part of the constituency of the Assembly as is included in any Taluk Board constituency shall, for the purposes of this Act, be deemed to be the list of voters for such Taluk Board constituency. The Chief Executive Officer of the Taluk Board shall maintain in the prescribed manner a list of voters for each Taluk Board constituency.

Explanation.—For the purposes of this section, electoral roll shall mean an electoral roll prepared under the provisions of the Representation of the People Act, 1950 (Central Act XLIII of 1950) for the time being in force.

102. *Qualifications of candidates.*—(1) Subject to the provisions of sub-section (2), a person shall not be qualified to be chosen to fill a seat in any Taluk Board unless he is a citizen of India and is not less than twenty-five years of age.

(2) A person shall not be qualified to be chosen to fill a seat in a Taluk Board unless his name is included in the electoral roll of the Mysore Legislative Assembly for the time being in force for such part of the constituency of the Legislative Assembly as is included in the revenue taluk for which such Taluk Board is established.

(3) A person shall not be qualified to be chosen from a territorial constituency to fill a seat in a Taluk Board unless,

(i) in the case of a seat reserved for the Scheduled Castes, such person is a member of those castes ; and

(ii) in the case of a seat reserved for women, such person is a woman.

103. *Disqualification of members.*—(1) A person shall be disqualified for being chosen as and for being a member of a Taluk Board—

(*a*) if he has been sentenced by a criminal court to imprisonment for an offence which involves moral turpitude and

which is punishable with imprisonment for a term exceeding six months such sentence not having been subsequently reversed, or remitted, or

(*b*) if an order has been passed against him under section 118 of the Code of Criminal Procedure, 1898 (Central Act V of 1898), in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or

(*c*) if he has been dismissed from Government service or service under any local authority, or

(*d*) if, having been a legal practitioner, he has been dismissed or suspended by order of a competent court, the disqualification in the latter case being operative during the period of such suspension, or

(*e*) if he is an undischarged insolvent, or

(*g*) if he is of unsound mind and stands so declared by a competent court, or

(*g*) if he is a municipal councillor or a councillor of the municipal corporation of Bangalore or a member of sanitary board, town board, town area committee, notified area committee or cantonment board, or

(*h*) if he has been removed from membership of any local authority, or

(*i*) if he holds any office of profit under the Government of India, or the Government of Mysore or the Government of any other State in India or of any local or other authority, subject to the control of any of the said Governments, other than such offices as are declared by rules made under this Act not to disqualify the holder, or

(*j*) if save as hereinafter provided, he has directly or indirectly any share or interest in any work done by order of a Taluk Board, or in any contract or employment with, or under or by, or on behalf of a Taluk Board, or

(*k*) if he is employed as paid legal practitioner on behalf of a Taluk Board or accepts employment as legal practitioner against a Taluk Board:

Provided that—

(*a*) the disqualification in clause (*b*) will cease to operate after the expiry of the period during which a person is ordered to furnish security;

(*b*) the disqualification in clause (*a*), (*c*) or (*d*) will cease to operate after the expiry of three years from the date of such sentence, dismissal, or removal;

(*c*) the disqualification in clause (*h*) will cease to operate after the expiry of five years from the date of such removal;

(*d*) a person shall not be deemed to have incurred disqualification under clause (*j*) by reason of his—

(i) having a share in any joint-stock company or a share or interest in any association registered under the Societies Registration Act, or in any co-operative society which shall contract with or be employed by or on behalf of the Taluk Board; or

(ii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Taluk Board is inserted; or

(iii) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the Taluk Board.

(2) If any member of a Taluk Board—

(*a*) becomes subject to any of the disqualifications specified in sub-section (1), or

(*b*) votes or takes part as a member in the discussion of any matter in which he has directly or indirectly any such share or interest as is described in sub-clauses (i) and (ii) of clause (*d*) of the proviso to sub-section (1), or

(*c*) votes on or takes part in the discussion of any question in contravention of the provisions of clause (*g*) of sub-section (2) of section 117, or

(*d*) absents himself from more than three consecutive ordinary meetings of the Taluk Board unless leave so to absent himself, which shall not exceed six months, had been granted by the Board, or absents himself for over six consecutive months from the meetings of the Taluk Board,

his seat shall thereupon become vacant:

Provided that where an application is made by a member to the Taluk Board for leave to absent himself under clause (*d*) and the Board fails to inform the applicant of its decision on the application within a period of three months from the date of the application, the leave applied for shall be deemed to have been granted by the Board.

(3) If any question arises whether a vacancy has occurred under sub-section (2), the question shall be referred for the decision of the Commissioner, and the Commissioner shall, after giving an opportunity to the member concerned to be heard, decide the question.

104. *Method of voting and procedure for elections.*—(1) Every elector shall have as many votes as there are members to be elected, but no elector shall give more than one vote to any one candidate.

(2) Subject to the provisions of this Act, elections to the Taluk Board shall be held by ballot in accordance with such rules as may be prescribed.

(3) The provisions of sections 15, 16, 17, 18, 19, 20, 21, 22 and 23 shall apply in respect of elections to Taluk Boards as they apply in respect of elections to Panchayats.

105. *Prohibition of simultaneous membership.*—(1) If a person is elected by more than one Taluk Board constituency, he shall, by notice in writing signed by him and delivered to the Assistant Commissioner or any other prescribed officer, within the prescribed time, choose any one of the constituencies which he shall serve, and the choice be final.

(2) When any such choice has been made, the constituency or constituencies other than the constituency which such person has chosen to serve, shall be called upon to elect another person or persons.

(3) If the candidate does not make the choice referred to in sub-section (1), the election of such person shall be void and all constituencies concerned shall be called upon to elect another person or persons.

106. *Determination of the validity of elections.*—(1) At any time within fifteen days after the declaration of the result of an election, any candidate who stood for election, or any person qualified to vote at that election, may apply, together with a deposit of one hundred rupees as security for costs, to the Munsiff having jurisdiction in the taluk concerned for the determination of the validity of the election.

Explanation.—For the purpose of this section a Munsiff means (i) in the Bombay Area, a Civil Judge Junior Division; and (ii) in the Madras Area, a District Munsiff.

(2) The Munsiff shall after such enquiry as he deems necessary, pass an order confirming or amending the declared result

of the election or setting aside the election. For the purposes of the said enquiry, the Munsiff may exercise any of the powers of a civil court. He may also award costs in such manner as he may deem fit and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure, 1908 (Central Act V of 1908). If he sets aside an election, he shall forthwith communicate the fact to the Deputy Commissioner who shall take the necessary steps for holding a fresh election.

(3) Subject to the provisions of sub-section (2)—

(A) if the Munsiff is of opinion—

(*a*) that on the date of his election a returned candidate was not qualified, or was disqualified, to be chosen to fill the seat under this Act; or

(*b*) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of the returned candidate or his election agent; or

(*c*) that any nomination has been improperly rejected; or

(*d*) that the result of the election, in so far as it concerns a returned candidate, has been materially affected—

(i) by the improper acceptance of any nomination; or

(ii) by any corrupt practice committed in the interests of the returned candidate by a person other than that candidate or his election agent or a person acting with the consent of such candidate or his election agent; or

(iii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void, or

(iv) by any non-compliance with the provisions of this Act or of any rules or orders made under this Act;

the Munsiff shall declare the election of all or any of the returned candidates to be void and the petitioner or any other candidate to have been duly elected;

(B) if in any case to which clause (A) does not apply, the validity of an election is in dispute between two or more candidates, the Munsiff, shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour to have been duly elected:

Provided that, for the purposes of such computation, no vote shall be reckoned as valid if the Munsiff finds that it was given by an unqualified person or any corrupt practice was committed by any person, known or unknown, in giving or obtaining it:

Provided further that after such computation if an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, one additional vote shall be added to the total number of valid votes found to have been received in favour of such candidate or candidates, as the case may be, selected by lot drawn in the presence of the Munsiff in such manner as he may determine.

(4) A person shall be deemed to have committed a corrupt practice—

(*a*) who with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury, to any person, or

(*b*) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote, or

(*c*) who hires or procures, whether on payment or otherwise, any vehicle or vessel for the conveyance of any voter (other than the person himself, the members of his family or his agent) to and from any polling station:

Provided that the hiring of a vehicle or vessel by a voter or by several voters at their joint cost for the purpose of conveying him or them to or from any such polling station shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or any tram car or railway carriage by any voter at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

A corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Explanation 1.—The expression "a promise of individual profit"—

(i) does not include a promise to vote for or against any particular measure which may come before a Taluk Board for consideration, but

(ii) subject thereto, includes a promise for the benefit of the person himself or any person in whom he is interested.

Expalanation 2.—The expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(5) If the validity of the election is brought in question only on the ground of an error made by the officer charged with carrying out the rules relating to elections or of an irregularity or informality not corruptly caused, the Munsiff shall not set aside the election.

Explanation.—The expression 'error' in this sub-section does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Act or the rules made thereunder whereby the result of election has been materially affected.

(6) If the Munsiff sets aside an election under sub-clause (*b*) of clause (A) of sub-section (3), he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section to be disqualified from being a member of any local authority for a term of years not exceeding five:

Provided that no such declaration shall be made in respect of any person other than the returned candidate without giving such person an opportunity to show cause why such declaration shall not be made:

Provided further that such person, may, at any time be relieved from such disqualification by an order of the Government in that behalf.

(7) Any person aggrieved by any decision or order of the Munsiff under this section may within thirty days from the date of such decision or order appeal to the District Judge, and the decision of the District Judge on such appeal shall be final and conclusive.

107. *Publication of names of members.*—The names of all members elected to any Taluk Board, shall be reported to the Commissioner who shall notify it in the official Gazette.

108. *Term of office of members.*—Except as is otherwise provided in this Act, members of a Taluk Board elected at a general election shall hold office for a term of four years :

Provided that the Government may, by notification, for reasons to be stated therein extend from time to time the said term for a period not exceeding [1][six years] in the aggregate.

109. *Commencement of term of office of members.*—The term of office of members elected at a general election under sub-section (1) of section 96 shall commence on the day immediately after the date of the expiry of the term of office of the outgoing members of the Taluk Board or on the date of publication of their names under section 107, whichever is later.

110. *Resignation of member*—A member of a Taluk Board may resign his membership in writing, under his hand addressed to the President of the Taluk Board and his seat shall become vacant on the expiry of fifteen clear days from the date of such resignation, unless within the said period of fifteen days, he withdraws such resignation by writing under his hand addressed to the President.

111. *Removal of members for misconduct.*—On the passing of a resolution by a Taluk Board by a majority of not less than two-thirds of the total number of members of the Board, recommending the removal of a member of the Taluk Board, the Government, after giving such member an opportunity of being heard and after such enquiry as the Government deems necessary, may, by order, remove such member if, in the opinion of the Government, such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has been incapable of performing his duties as a member of the Board.

112. *Casual vacancies how to be filled up.*—In the event of a vacancy occurring on account of the death, resignation, disqualification, or removal of a member of a Taluk Board or through a member becoming incapable of acting, previous to the expiry of his term of office the vacancy shall be filled up, as soon as conveniently may be, by the election of a person, thereto, who shall hold office so long only as the member in whose place he is elected would have held office if the vacancy had not occurred.

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1. Substituted by Act 5 of 1965.

113. *Election of President and Vice-President and term of office.*—(1) Every Taluk Board shall, as soon as may be, choose two members of the Taluk Board to be respectively President and Vice-President thereof, and so often as the office of President or Vice-President becomes vacant, by death, resignation, removal or otherwise, the Taluk Board shall choose another member to be President or Vice-President, as the case may be :

Provided that notwithstanding the expiry of his term, a President shall continue in office until the election of the next President.

(2) The election of the President or the Vice-President of a Taluk Board and filling up of vacancies in the said offices and the determination of disputes relating to such election shall be in accordance with such rules as may be prescribed :

Provided that the authority to determine such election disputes shall be such judicial officer as may be prescribed.

(3) Save as otherwise provided in this Act, a President and a Vice-President shall hold office for the term of the Taluk Board.

114. *Resignation or removal of President and Vice-President and grant of leave to President and Vice-President.*—(1) A member holding office as President or Vice-President may resign his office at any time by writing under his hand addressed to the Assistant Commissioner of the Revenue Sub-Division and the office shall become vacant on the expiry of fifteen clear days from the date of such resignation, unless, within the said period of fifteen days, he withdraws such resignation by writing under his hand addressed to the said Assistant Commissioner.

(2) Every president or Vice-President shall vacate office if he ceases to be a member of the Taluk Board.

(3) Every President and every Vice-President shall be removed from office by the Government if a resolution expressing want of confidence in him is passed by a majority of not less than two-thirds of the total number of members of the Taluk Board at a meeting specially convened for the purpose :

Provided that the President or Vice-President shall vacate office on the expiry of sixty days from the date of passing of the resolution, if no order of such removal is made by Government within that period.

(4) Every President and Vice-President shall, after an opportunity is afforded for hearing him, be removable from his office as such President or Vice-President by the Government for

misconduct in the discharge of his duties or for neglect of or incapacity to perform his duties, or for being persistent by remiss in the discharge of his duties, and a President or Vice-President so removed shall not be eligible for re-election during the term of office of the members of such Taluk Board. A President or Vice-President removed for misconduct shall also be removed from membership of the Taluk Board.

(5) Every President or Vice-President who for a period exceeding three months absents himself from the taluk in such manner as to be unable to perform his duties as President or Vice-President, shall cease to be President or Vice-President, as the case may be, unless leave so to absent himself has been granted by the Taluk Board.

(6) Leave under sub-section (5) shall not be granted for a period exceeding six months, and whenever such leave is granted to a President or Vice-President, the Taluk Board shall elect one of its members to exercise all the powers and perform all the duties of a Vice-President in lieu of the Vice-President, who is exercising the powers and performing the duties of the President, or who is absent on leave, during the period for which such leave is granted.

CHAPTER VII

Conduct of Business

115. *Powers and duties of President.*—The President of a Taluk Board shall—

(*a*) preside at the meetings of the Board and all its standing committees;

(*b*) watch over the financial and executive administration of the Board and exercise general supervision and control;

(*c*) submit to the Board all questions which require its sanction.

116. *Powers and duties of Vice-President.*—The Vice-President of a Taluk Board shall—

(*a*) in the absence of the President, preside at the meetings of the Board;

(*b*) exercise such powers and perform such duties of the President as the President may, from time to time, delegate to him; and

(*c*) exercise powers and perform the duties of the President, pending the election of a President or during the absence of the President on leave.

117. *Meetings of Taluk Boards.*—(1) A Taluk Board shall hold a meeting for the transaction of business at the office of the Taluk Board once in every two months (hereinafter in this section called the ordinary meeting) and shall, subject to the provisions of the following sub-sections, make regulations not inconsistent with this Act or with any rules made thereunder, with respect to the day, hour, notice, management and adjournment of its meetings and generally with respect to the transaction of business thereat.

(2) (*a*) The date of the first meeting of the Board after the first constitution or reconstitution, shall be fixed by the Chief Executive Officer, and the Assistant Commissioner in charge of the Revenue Sub-Division shall preside at such meeting and the date of each subsequent ordinary meeting shall be fixed at the previous meeting of the Board, provided that the President may, for sufficient reasons, alter the day of the meeting to a subsequent date. The President may, whenever he thinks fit, and shall, upon the written request of not less than one-fourth of the total number of members and on a date within twenty-one days from the receipt of such request, call a special meeting. Such request shall specify the object for which the meeting is proposed to be called.

(*b*) Ten clear days' notice of an ordinary meeting and seven clear days' notice of a special meeting specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be sent to the members and to the members of the State Legislative Assembly and State Legislative Council entitled to attend the meeting, and posted up at the Taluk Board Office. Such notice shall include, in the case of a special meeting, any motion or proposition mentioned in the written request made for such meeting.

(*c*) One-third of the total number of members of the Taluk Board shall form a quorum for transacting business at a meeting of the Board. If, at the time appointed for the meeting or within half an hour thereafter, a quorum is not present, the presiding authority shall adjourn the meeting to such hour on some future day as he may fix. He shall similarly adjourn the meeting at any time after it has begun if attention is drawn to the want of a quorum. At such adjourned meeting at which there is a quorum the business which would have been brought before the original meeting shall be transacted.

(*d*) Every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the Board should be held in private, and provided that the said authority may at any time, cause any person who interrupts the proceedings to be removed.

(*e*) Every meeting shall be presided over by the President, or, if he is absent, by the Vice-President, and if both the President and Vice-President are absent or if the President is absent and there is no Vice-President, by such one of the members present as may be chosen by the meeting to be Chairman for the occasion.

(*f*) All questions shall, unless otherwise specially provided, be decided by a majority of votes of the members present and voting. The President, Vice-President or Chairman, as the case may be, unless he refrains from voting shall give his vote before declaring the number of votes for and against a question and in case of equality of votes, he shall give his casting vote.

(*g*) No member of a Taluk Board shall vote on, or take part in the discussion of, any question coming up for consideration at a meeting of the Board or any Committee, if the question is one in which, apart from its general application to the public he has any direct or indirect pecuniary interest.

(*h*) If the presiding authority is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on, or take part in it. Any member of the Board may be chosen to preside at the meeting during the continuance of such discussion.

(*i*) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any ordinary meeting unless it has been entered in the notice convening such meeting, or, in the case of a special meeting, in the written request for such meeting. The order in which any business or proposition shall be brought forward at such meeting shall be determined by the presiding authority, who, in case it is proposed by any member to give priority to any particular item of such business or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

(*j*) Any ordinary meeting may, with the consent of a majority of the members present, be adjourned from time to time,

but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

(*k*) No resolution of a Taluk Board shall be modified or cancelled within six months after the passing thereof, except by a resolution passed by not less than one-half of the total number of members at an ordinary or special meeting, notice whereof shall have been given fulfilling the requirements of clause (*b*) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

(3) Minutes shall be kept of the names of the members and of the members of the State Legislative Assembly and State Legislative Council and Government officers, if any, present and of the proceedings, at each meeting of the Board, and if any member present at the meeting so desires, of the names of the members voting, respectively for or against any resolution, in a book to be provided for this purpose, which shall be signed as soon as practicable by the President, Vice-President or Chairman of such meeting and shall at all reasonable times, be open to inspection by any member of the Board, or by any person entitled to vote at the elections to the Taluk Board.

(4) A copy of every resolution passed by a Taluk Board at a meeting shall, within ten days from the day of the meeting, be forwarded to the Deputy Commissioner.

(5) During any vacancy in a Taluk Board or any Committee thereof, the continuing members may act as if no vacancy had occurred.

118. *Interpellations and resolutions.*—(1) A member of a Taluk Board may move resolutions and interpellate the President on matters connected with the administration of the Taluk Board, subject to such regulations as may be made by the Board.

(2) A member of a Taluk Board may also call the attention of the President to any neglect in the execution of the work of the Taluk Board, to any waste of property belonging to the Taluk Board, or to the wants of any locality within the taluk and may suggest any improvements which may appear desirable.

(3) A Taluk Board may, subject to such restrictions and conditions as may be imposed by the Government by rules made in this behalf, pass and submit for the consideration of the Commissioner resolutions on question connected with the administration of the taluk other than those coming within the purview of this Act.

119. *Executive Officer and other officers of the Taluk Board.*— (1) Tahsildar of the taluk shall be the Chief Executive Officer of the Taluk Board of that taluk :

Provided that when a Development Block is established in a taluk, the Block Development Officer of such Block shall be the Chief Executive Officer of the Taluk Board of that Taluk.

(2) Subject to the provisions of section 221, every Taluk Board shall be entitled to employ such officers and servants as may be necessary for the discharge of its duties.

(3) The officers and servants employed by the Taluk Board under sub-section (2) shall be subordinate to and subject to the disciplinary control of the Chief Executive Officer.

(4) Government may by a general or special order entrust such other duties as it may specify to the Chief Executive Officer and other Officers of the Taluk Board, and the Chief Executive Officer and other Officers of the Board shall carry out those duties. On such entrustment, the expenditure on account of the salaries and allowances of the establishment to which other duties are entrusted shall be apportioned between the Taluk Board and the Government in such manner as may be prescribed.

120. *Functions of the Chief Executive Officer*—Subject to the general powers of the President under clause (*b*) of section 115, the Chief Executive Officer shall perform the following functions :—

(1) convene meetings and maintain proceedings thereof ;

(2) take further action to give effect to the resolutions of the Board ;

(3) furnish the Taluk Board with returns, statements, estimates, statistics or other information relating to the administration of the Board, and reports on such matters and copies of documents in his charge whenever called upon by the Taluk Board to do so ;

(4) exercise supervision and control over the acts of all officers and servants of the Board in matters of executive administration and in matters relating to accounts and records of the Board ;

(5) furnish to the Commissioner and Deputy Commissioner a copy of every resolution passed at a meeting of the Board ;

(6) furnish any extracts of the proceedings of the Board or of any Committee thereof or other documents or things, which the Commissioner or any officer authorised by him in this behalf, may call for :

(7) appoint, subject to such rules as the Government may make in this behalf, qualified persons to such posts under the Taluk Board as may be filled up by him and grant leave of absence to holders of such posts and fine, reduce, suspend or dismiss holders of such posts :

Provided that an appeal shall lie against his orders of reduction, suspension or dismissal to the Deputy Commissioner ;

(8) prefer, subject to the provisions of this Act complaints in prosecutions by the Taluk Board and initiate or conduct proceedings, civil or criminal, on behalf of the Board ;

(9) subject to regulations made by the Taluk Board in this behalf, take part in meetings of the Board and speak thereat but shall not vote or move any motion ; and

(10) such other functions as may be required of him by or under this Act or delegated to him by the Board.

121. *Mode of making contracts.*—(1) Every contract or agreement entered into on behalf of the Taluk Board, shall be binding on the Taluk Board only if the said contract or agreement is executed in accordance with the provisions of this section.

(2) In respect of matters which he is empowered to carry out under the provisions of this Act, the Chief Executive Officer may execute contracts or agreements on behalf of the Taluk Board where the amount or value of such contract or agreement does not exceed five hundred rupees and he may execute such contract or agreement on behalf of the Taluk Board with the previous approval of the President where the amount or value of such contract or agreement exceeds five hundred rupees but does not exceed two thousand rupees and in all other cases, he shall execute a contract or agreement only with the approval or sanction of the Taluk Board.

(3) Notwithstanding anything to the contrary in sub-section (2), the Chief Executive Officer shall not execute any contract or agreement on behalf of the Taluk Board for the purchase, sale, lease, mortgage or other transfer of immoveable property, except with the approval or sanction of the Taluk Board.

122. *Contracts entered into by the Chief Executive Officer to be reported.*—Where a Chief Executive Officer enters into a contract or agreement on behalf of a Taluk Board, he shall report the fact to the Taluk Board within fifteen days thereof.

123. *Taluk Board Fund ordinarily liable for all costs and expenses incurred by the Board.*—(1) Except as is hereinafter otherwise provided, no Chief Executive Officer and no member of a Taluk Board shall be personally liable in respect of any contract or agreement made, for any expenses incurred by, or on behalf of, such Board.

(2) The Taluk Board Fund at the disposal of each Taluk Board shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses.

124. *Taluk Board to appoint committees.*—(1) Every Taluk Board shall constitute the following committees by election—

(i) Standing Committee;

(ii) Audit Committee;

(iii) Public Health Committee.

(2) The President of the Taluk Board shall *ex-officio* be a member and Chairman of the Standing Committee and the Audit Committee; and the Vice-President of the Taluk Board shall *ex-officio* be a member and Chairman of the Public Health Committee. In the absence of the *ex-officio* Chairman, the Committee may appoint any other member to officiate as Chairman.

(3) The total number of members of each committee shall be such as may be prescribed by regulations made in this behalf by the Taluk Board:

Provided that such number shall not be more than five nor less than three.

125. *Functions of Committees.*—(1) The Standing Committee shall frame the budget, and enunciate policies to be adopted by the Board before they are submitted to the Board.

(2) The Audit Committee shall scrutinise proposals for increase of revenue, examine the receipts and expenditure statements, consider all new propositions affecting finance and shall generally supervise the revenue and expenditure of the Board.

(3) The Public Health Committee shall perform such duties and exercise such powers of the Board as may be delegated to it by the Board in regard to matters of public health and sanitation and shall give effect to the provisions of this Act and rules and regulations framed thereunder and may delegate any of its duties and powers to any member or officer of the Board. Such member or officer shall conform to any instructions that may, from time to time, be given by the Board. The Committee may, at any time, withdraw any of the duties or powers so delegated.

126. *Emergency powers of the Standing Committee.*—The Standing Committee of the Taluk Board may, in cases of emergency direct the execution or stoppage of any work or the doing of any act which requires the sanction of the Board and the immediate execution or doing of which is, in its opinion, necessary for the health or safety of the public, and may direct that the expense of executing such work or doing such act shall be paid from the Taluk Board Fund:

Provided that—

(*a*) it shall not act under this section in contravention of any order of the Board prohibiting the execution of any particular work or the doing of any particular act, and

(*b*) it shall report forthwith the action taken under this section and the reasons therefor to the Board at its meeting.

127. *Other Committees.*—A Taluk Board may appoint committees consisting of such members as it may decide for any purpose other than those specified in section 124 and may invest each committee so appointed with such powers as may be necessary or expedient for the fulfilment of the purpose for which it is appointed; and every such committee shall cease to exist on completion of the specific purpose for which it is appointed or at such time as may be determined by the Board.

128. *Procedure of Committees.*—(1) A Taluk Board may frame regulations relating to election or appointment of members of committees, conduct of business therein, and all other matters relating to them.

(2) Every committee constituted under section 124 or 127 shall meet at least once a month.

(3) The Chief Executive Officer shall attend the meeting of every committee and shall be entitled to take part in discussions but shall not be entitled to vote or move any motion.

(4) Any officer of Government connected with the work of the Taluk Board may, with the consent of the Board, attend any meeting of the Taluk Board or of any Committee thereof, and address such Board or Committee on any matter under discussion affecting his department and shall furnish his advice in such matters whenever desired by the Board or the Committee.

129. *Acts of Board, etc., not to be invalidated*—No act of a Taluk Board, or of any committee, or of any person acting as a member or as a President, Vice-President or Chairman or Chief

Executive Officer, shall be deemed to be invalid by reason only of some defect in the constitution or appointment of such Board, Committee, President, Vice-President, Chairman or Chief Executive Officer or member, or on the ground that they, or any of them, were disqualified for such office, or that formal notice of the intention to hold a meeting of the Board or Committee was not duly given or by reason of such act having been done during the period of any vacancy in the office of the President, Vice-President or Chief Executive Officer or member of such Board or Committee, or for any other informality.

CHAPTER VIII

Functions of Taluk Boards

130. *Obligatory functions of Taluk Boards.*—(1) It shall be the duty of every Taluk Board to make, subject to such exceptions and conditions as may from time to time be made or imposed by the Government in this behalf, reasonable provision for the following matters within the area under its jurisdiction and, outside that area when effective provision for the purpose cannot be made within the area under its jurisdiction:—

(i) construction, repair and maintenance of public roads and other means of communication which are not under the control of any other local authority or of the Government;

(ii) construction, repair and maintenance of Government primary school buildings;

(iii) construction, repair and maintenance of minor irrigation works, that is, irrigation works which provide irrigation facilities for an area not exceeding 10 acres of land;

(iv) planting and preservation of trees on the sides of roads and other local services affecting villages in different and other public grounds under its control;

(v) establishment, management, maintenance and inspection of hospitals, dispensaries, veterinary hospitals, markets, travellers' bungalows, musafirkhanas, rest-houses and other public institutions and the construction and repair of all buildings connected with these institutions;

(vi) construction and repair of public wells, tanks and water works which serve more than one Panchayat, supply of water from them and from other sources and preserva-

tion from pollution of water for drinking and cooking purposes;

(vii) promotion of vaccination;

(viii) measures necessary for the public health, sanitation and other local services affecting villages in different Panchayats and control of public health and sanitation during jatras or fairs and festivals;

(ix) management of such public ferries as may be entrusted to its charge;

(x) maintenance of any building or other property vested in the Board under this Act;

(xi) organisation of conferences, training centres, agricultural and industrial exhibitions for the benefit of the rural areas

(xii) organisation and maintenance of rural publicity and propaganda;

(xiii) spread and encouragement of social education work in the taluk;

(xiv) regulation of fairs and festivals;

(xv) establishment and control of shandies;

(*xva*) [1][promotion and development of economic conditions, with special reference to agriculture.]

(xvi) supervision of and control over buildings in accordance with the provisions of this Act; and

(xvii) such other matters as may be entrusted to the Taluk Board by the Government from time to time:

Provided that when duties are entrusted under item (xvii) to the Taluk Boards which cannot be financed out of the normal income of the Board, the Government shall provide the necessary funds or place the services of such officers at the disposal of the Board as the Government deems fit. The Government may also make rules for the application of the funds so provided, regulating the conditions of service of the officers and for other connected matters.

(2) In every taluk in which a Development Block is established, it shall be the duty of the Taluk Board to supervise and control the activities relating to the administration of such Block in accordance with such general or special orders made by the Government in this behalf.

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1. Inserted by Act 26 of 1961.

131. *Discretionery functions of Taluk Boards.*—A Taluk Board may—

(A) (i) contribute towards the establishment and running of institutions imparting primary and secondary education;

(ii) with the sanction of the Government from time to time, guarantee the payment from the Taluk Board Fund of such sums as it shall think fit as interest on capital expended on any works which may directly improve the means of communication within the taluk or between the taluk and other taluks;

(iii) encourage and develop co-operative societies in the taluk;

(iv) promote development of economic conditions with special reference to [1][* * *] industry and commerce;

(v) encourage local arts and industries and grant loans for this purpose, subject to such rules as may be made in this behalf by the Government;

(vi) take measures for improvement of cattle, fisheries and poultry;

(vii) provide accommodation for any class of servants employed by the Taluk Board or belonging to any institution to which the Board makes regular grants and grant loans to such servants for construction of houses, subject to such rules and conditions as may be made by the Government in this behalf;

(viii) take measures for amelioration of Scheduled Castes; and

(B) with the previous approval of the Government—

(i) organise and maintain in times of famine or scarcity, relief and local relief works and shops or stalls for the sale of necessary supplies;

(ii) contribute towards any public fund raised for the relief of human suffering within or without the area under its control;

(iii) provide motor and other transport facilities for the carriage of the public or guarantee from the Taluk Board Fund such sums as the Taluk Board shall think fit as interest on capital expended by the Government or a company for this purpose and grant loans for providing capital for this purpose;

(iv) establish and maintain industrial and trade or occupational institutions in the taluk;

(v) undertake any other measure not herein before specially named to promote the public health, safety or convenience, material

1. Omitted by Act 26 of 1961.

or moral development of the people or which is necessary for carrying out the purposes of this Act, expenditure whereon is resolved upon by the Taluk Board by the votes of not less than two-thirds of the total number of members of the Taluk Board to be an appropriate charge on the Taluk Board Fund.

132. *Power of Taluk Board to acquire and hold property, etc., to be subject to rules.*—The power of every Taluk Board to acquire and hold property, both moveable and immoveable, whether within or without the limits of the area over which it has authority, to lease, sell or otherwise transfer any moveable or immoveable property which may have become vested in or been acquired by it and to contract and to do all other things necessary for the purposes of this Act shall be subject to the rules made by the Government in this behalf :

Provided that no lease of immoveable property for a term exceeding seven years and no sale or other transfer of any such property, shall be valid unless such lease, sale or other transfer shall have been made with the previous sanction of the Government :

Provided also that nothing herein contained shall empower any Taluk Board to raise loans except as provided for in section 170, and without the previous sanction of the Government.

133. *Certain roads and other property of the District Boards to vest in the Taluk Boards constituted under this Act.*—Save as otherwise provided in this Act such roads, bridges, channels, buildings and other property, moveable and immoveable, vested in or under the control and administration of such institutions committed to the management of the District Board in each district for the purposes of of the Mysore Village Panchayats and District Boards Act, 1952 (Mysore Act IV of 1952), the Bombay Local Boards Act, 1923 (Bombay Act VI of 1923), the Hyderabad District Boards Act, 1956 (Hyderabad Act I of 1956), or the Madras District Boards Act, 1920 (Madras Act XIV of 1920), as the case may be, as are situated within the taluk shall, for the purposes of this Act, vest in or be under the control, administration and management of the Taluk Board of the taluk subject to all rights, if any, affecting such properties and institutions, provided that nothing herein contained shall empower the Taluk Board to exercise any authority or control over the properties and institutions whose administration devolves on a Panchayat.

134. *Works constructed by Taluk Board to be vested in it.*—Every road, building or other work constructed by a Taluk Board from the Taluk Board Fund shall be vested such Board, except such portion of the road as may lie within the jurisdiction of a Municipal Council or a Town Area Committee.

working of Panchayats in accordance with the provisions of this Act and of the rules made thereunder and render such technical assistance as may be available with it and as may be required by the Panchayats within the taluk free of cost. It shall be lawful for a Taluk Board to supplement works of development undertaken by a Panchayat within the taluk by taking up schemes which are beyond the powers of the Panchayats to execute.

140. *Powers to turn, divert, discontinue or close road.*—A Taluk Board may, with the sanction of the Deputy Commissioner, turn, divert, discontinue or permanently close any road which is under the control and administration of or is vested in the Taluk Board.

141. *Control of unwieldy traffic.*—It shall be lawful for a Taluk Board, subject to such rules as may be prescribed by the Government in this behalf and to the regulations framed by the Taluk Board, to notify that any road vested in it shall not be used by any vehicle of such form, construction, weight or size, or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction thereon, or risk or obstruction to other vehicles or to pedestrains except under a licence issued by the Chief Executive Officer and in accordance with the rules framed by the Government from time to time as regards speed, time, fees, mode of raction of locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions.

142. *Establishment of market, etc.*—(1) No new public market and no new jatras, fairs, agricultural and cattle shows and exhibitions except those which are managed by officers authorised by the Government in this behalf, shall be established in any area under the authority of a Taluk Board without the previous sanction of the Government.

(2) The grant of permission under sub-section (1) shall be subject to such conditions and restrictions as the Government may lay down.

(3) Whoever contravenes the provisions of sub-section (1) or any condition or restriction laid down under sub-section (2) shall, on conviction, be punished with fine which may extend to five hundred rupees.

(4) If any question arises whether any place is a public market or not, the Taluk Board concerned shall make a reference to the Government and the decision of the Government thereon shall be final.

135. *Taluk Board may, with the consent of owners, take over and repair works.*—A Taluk Board may enter into an agreement with the person in whom the property in any road, bridge, tank, ghat, well, channel or drain is vested, to take over the property therein, and after such agreement may declare, by notice in writing put up thereon, or near thereto, that such road, bridge, tank, ghat, well, channel or drain has been transferred to the Taluk Board. Thereupon the property therein shall vest in the Taluk Board, and such road, bridge, tank, ghat, well, channel or drain shall thenceforth be repaired and maintained out of the Taluk Board Fund.

136. *Government may place roads and other property under Taluk Board.*—(1) It shall be lawful for the Government from time to time to direct by notification that any road, bridge, channel, building or other property, moveable or immoveable, which is vested in the Government and which is situated within a taluk shall, with the consent of the Taluk Board of such taluk, and subject to such exceptions and conditions as the Government may make and impose, be placed under the control and administration of the Taluk Board for the purposes of this Act and thereupon such road, bridge, channel, building or other property shall be under the control and administration of the Board, subject to all exceptions and conditions so made and imposed and to all charges and liabilities affecting the same.

(2) It shall be competent for the Government by notification to resume any property placed under the control of a Taluk Board under sub-section (1) on such terms as the Government may determine.

137. *General powers of Taluk Board.*—Subject to the provisions of this Act and the rules made thereunder and the provisions of any other law for the time being in force, a Taluk Board shall have power to do all acts necessary or incidental to the carrying out of the duties entrusted to it under sections 130 and 131.

138. *Taluk Boards may undertake construction, repair and maintenance of Government buildings.*—It shall be lawful for a Taluk Board to undertake, on behalf of the Government and upon such conditions as may be agreed upon, the construction, repair and maintenance of any public building or other work which is the property of the Government:

Provided that the cost of such construction, repair and maintenance shall be borne by the Government.

139. *Taluk Boards to supervise the working of and to assist Panchayats.*—Every Taluk Board shall generally supervise the

143. *Regulation of certain trades.*—Subject to the provisions of sections 56, 57 and 58, it shall be lawful for a Taluk Board to notify that no place within the area under its authority shall after sixty days from the date of such notification, be used for any one or more of the purposes specified in Schedule II wihout a licence from the Chief Executive Officer and except in accordance with the condtions specified therein.

144. *Grant of licences.*—(1) All applications for licences to be granted by the Taluk Board may be disposed of by the Chief Executive Officer of the Taluk Board who may suspend or cancel a licence granted for default of any of the conditions specified therein. When a licence is granted, refused, suspended or cancelled by the Chief Executive Officer, any person aggrieved by his order, shall have the right of appeal to the Board within three months from the date of such order.

(2) A licence referred to in sub-section (1) may be granted on payment in advance of such fees as may be prescribed.

(3) Whoever keeps open or uses, without a licence or in contravention of any of the conditions of the licence or when a licence is suspended or cancelled, any place for any purpose for which a licence is required shall, if not punishable under any other section of this Act, be punished, on conviction, with a fine which may extend to one hundred rupees. He may also be punished with further fine which may extend to twenty-five rupees for every day on which such act is continued after the date of conviction, or any subsequent date as may be fixed by the Magistrate.

145. *Power to enter and inspect building, etc.*—The Chief Executive Officer, or any person authorised by the Taluk Board in this behalf, may at any time between sunrise and sunset, on giving notice in the manner hereinafter provided, enter into and inspect all buildings and lands and by written notice direct that all or any part thereof shall be cleansed, cleared or otherwise put in a proper state for sanitary reasons.

146. *Filthy buildings, etc.*—Whoever, being the owner or occupier of any building or land, whether tenantable or otherwise, suffers the same to be in a filthy or unwholesome state, or, in the opinion of the Taluk Board, a nuisance to persons in the neighbourhood, or overgrown with pricklypear or rank and noisome vegetation, and who shall not, within a reasonable time after notice in writing from any person authorised by the Taluk Board in this behalf to cleanse, clear or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall,

on conviction, be punished with fine which may extend to twenty-five rupees and if the offence be a continuing one with further fine which may extend to five rupees for every day during which the said offence is continued after the date of first conviction.

147. *Powers and duties with regard to sources of water supply.*— The Chief Executive Officer or any person authorised by the Taluk Board in this behalf may at any time by written notice require that the owner of or any person who has control over, any well, stream, channel, tank, or other source of water supply shall, whether it is private property or not,

(*a*) if the water is used for drinking—

(i) keep and maintain any such source of water supply, other than a stream, in good repair, or

(ii) within a reasonable time to be specified in the notice cleanse any such source of water supply from silt, refuse and decaying vegetation, or

(iii) in such manner as the Board directs protect any such source of water supply from pollution by surface drainage, or

(iv) desist from using and from permitting others to use for drinking purposes any such source of water supply which, not being a stream in its natural flow, is in the opinion of the Board, unfit for drinking, or

(v) if, notwithstanding any such notice under sub-clause (iv) such use continues and cannot, in the opinion of the Board, be otherwise prevented, close, either temporarily or permanently, or fill up or enclose or fence in such manner as the Board considers sufficient to prevent such use, such source of supply, or

(vi) drain off or otherwise remove from any such source of water supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto any stagnant water which the Board considers is injurious to health or offensive to the neighbourhood;

(*b*) within twenty-four hours of such notice, repair, protect or enclose in such manner as the Board may direct or approve, any such source of water supply, whether used for drinking purposes or not, other than a stream in its natural flow, if for want of sufficient repair, protection or enclosure, such source of water supply is in

the opinion of the Board, dangerous to the health or safety of the public or of any persons having occasion to use or to pass by or approach the same.

148. *Remedy on non-compliance with directions issued.*—If the owner or the person having control as aforesaid fails or neglects to comply with any such requisition within the time required by or under the provisions of section 147, the Taluk Board may, and, if in the opinion of the Chief Executive Officer immediate action is necessary to protect the health or safety of any person, shall at once, proceed to execute the work required by such notice, and all the expenses incurred thereon shall be paid by the owner of, or person having control over, such water supply, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter IX :

Provided that in the case of any well or private stream or any private channel, tank or other source of water supply, the water of which is used by the public or by any section of the public as of right, the expenses incurred by such owner or person having control may, if the Taluk Board so directs, be paid from the portion of the Taluk Board Fund at the disposal of the Board.

149. *Power to set apart public springs, etc., for certain purposes.*—The Taluk Board may by public notice, which shall be put up at the spring, tank, well or other place concerned and otherwise as required by this Act, set apart public springs, tanks, wells and other places and parts of public watersources for drinking purposes or for bathing or for washing clothes or animals or for any other purposes calculated to promote the health, cleanliness, comfort or convenience of the inhabitants ; and with the consent of the owners, may also set aside any private springs, tanks, wells or other places for any of the aforesaid purposes.

150. *Power to prohibit use of water from certain sources.*—The Taluk Board may, during epidemics, on receipt of a certificate from any medical officer in the employ of the Board or of the Government stating that such action is desirable, summarily by notice prohibit the use of water from any source to which the public have access. Such notice shall be served by putting up a copy thereof near the source of water supply or by beat of drum, stating the number of days during which such prohibition shall last. The Taluk Board may from time to time extend or modify the period of prohibition without the production of a further certificate.

151. *Penelty for using water for certain purposes.*—Whoever—

(*a*) bathes in or defiles the water in any place set apart for drinking purposes by the Board, or, in the case of private property, by the owner thereof, or

(*b*) deposits any offensive or deleterious matter in the dry bed of any place set apart as aforesaid for drinking purposes, or

(*c*) washes clothing in any place set apart as aforesaid for drinking or bathing, or

(*d*) washes any animal or any cooking utensils or wood, skins or other foul or offensive substance, or deposits any offensive or deleterious matter in any place set apart as aforesaid for drinking purposes or for bathing or for washing clothes, or

(*e*) allows the water from a sink, sewer, drain, engine or boiler, or any other offensive matter belonging to him or flowing from any building or land belonging to or occupied by him, to pass into any place set apart as aforesaid for drinking purposes or for bathing or for washing clothes, or

(*f*) uses water from any source in contravention of the provisions of section 150,

shall, on conviction, be punished with fine which may extend to fifty rupees and if the offence be a continuing one, with further fine which may extend to ten rupees for every day during which the said offence is continued after the date of first conviction.

152. *Abatement of nuisance from foul water.*—When any pool, ditch, tank, pond, well, hole or any waste or stagnant water, or any channel or receptacle of foul water or other offensive or injurious matter, whether the same be within any private enclosure or otherwise, shall appear to the Chief Executive Officer to be likely to prove injurious to the health of the inhabitants or offensive to the neighbourhood, the Chief Executive Officer may by written notice require the owner of the same to cleanse, fill up, drain off or remove the same, or to take such measures as shall in its opinion, be necessary to abate or remove the nuisance.

153 .*Closing of places for the disposal of the dead.*—(1) If the Taluk Board is of opinion that any place in the taluk which is used for the disposal of the dead is in such a state as to be, or to be likely to become injurious to health, it may forward its opinion, with the reasons therefor to the Deputy Commissioner. The Deputy Commissioner may, thereupon, after such further inquiry, if any, as he shall deem fit to cause to be made, by notification direct that such

place shall cease to be so used from such date as may be specified in that behalf in the notification.

(2) A copy of the said notification shall be published in the local newspapers, if any, and shall be pasted up at the Taluk Board Office and in one or more conspicuous spots on or near the place to which it relates.

(3) Any person who buries or otherwise disposes of any corpse in any such place after the date specified in the said notification for closure thereof or buries any corpse in any unoccupied Government land not set apart for the burial of the dead under the provisions of any law for the time being in force or by established usage, shall, on conviction, be punished with fine which may extend to one hundred rupees.

154. *Power of entry into buildings, etc., where infectious disease exists.*—The Chief Executive Officer or any person authorised by the Board in this behalf, may enter at any time after reasonable notice, any building or premises in which any infectious disease is reported or suspected to exist for the purpose of inspecting such building or premises. No such inspection shall be made except between sunrise and sunset.

155. *Disinfection of buildings, etc.*—If the Chief Executive Officer is of opinion that the cleansing or disinfecting of a building or premises or of a part thereof, or of any articles therein likely to retain infection, would tend to prevent or check the spread of any infectious disease, he may by notice require the owner or occupier to cleanse or disinfect the same within a time to be specified in such notice:

Provided that if the Chief Executive Officer considers that immediate action is necessary or that the owner or occupier is, by reason of poverty or otherwise, unable effectually to comply with his requisition, he may himself cause such building or premises or articles to be cleansed or disinfected, and for this purpose may cause such articles to be removed from such building or premises; and the expenses incured under this section shall be recoverable from the said owner or occupier unless he was, by reason of poverty, unable effectually to comply with the requisition.

156. *Articles exposed to infection.*—(1) The Chief Executive Officer shall, from time to time, notify places at which articles of clothing or bedding or other articles which have been exposed to infection from any dangerous infectous disease may be washed or disinfected.

(2) The Chief Executive Officer may direct the destruction of clothing, bedding or other articles likely to retain such infection.

(3) Whoever washes such clothing or bedding or other articles at any place other than those set apart for such purposes under sub-section (1), shall, on conviction, be punished with fine which may extend to fifty rupees.

157. *Obstructions and encroachments upon public roads, land or building.*—(1) Whoever on any part of a public road, land or building, after it has vested in, or has become the property of, a Taluk Board, shall build or set up, any wall or any fence, rail, post, stall, verandah, platform, plinth, step or any projecting structure or thing, or other encroachment or obstruction, or shall deposit, or cause to be placed or deposited, any box, bale, package or merchandise or any other thing on any part of any such road, land or building, or in, or over, or upon, any open drain, gutter, sewer or aqueduct in such road, land or building, shall, on conviction, be published with fine which may extend to twenty-five rupees.

(2) The Chief Executive Officer shall have power to remove any such obstruction or encroachment, and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter IX:

Provided that, before proceeding to remove any such obstruction or encroachment, the Chief Executive Officer shall by written notice call upon the person who has caused such obstruction or encroachment to remove it within a reasonable time to be specified in the notice, or to show cause why the same should not be removed.

(3) Nothing contained in this section shall prevent a Taluk Board from allowing any temporary occupation of or erections on any public road which vests in it or is its property, on occasions of festivals and ceremonies, or for the piling of fuel on any part of such road for not more than fifteen days and in such manner as not to inconvenience the public or any individual.

(4) Notwithstanding anything contained in section 132, it shall be competent to a Taluk Board to lease or to permit a temporary use of land forming part of a public road when such land is not, in the opinion of the Taluk Board, required for a public road or for any other of the purposes of Taluk Board, for a period not exceeding seven years:

Provided that, if the lease or permit does not exceed one year, the previous sanction of the Deputy Commissioner, and if the lease

or permit exceeds one year but does not exceed seven years, the previous sanction of the Commissioner shall have been obtained to such lease or permit.

158. *Punishment for disobedience of orders and notices not punishable under any other section.*—Whoever disobeys or fails to comply with any lawful direction given by any written notice issued by or on behalf of a Taluk Board under any power conferred by this Chapter, or fails to comply with the conditions subject to which any permission was given to him by the Taluk Board under any power so conferred, shall, on conviction, if the disobedience or failure is not an offence punishable under any other section, be punished with fine which may extend to fifty rupees and with further fine which may extend to five rupees for every day during which the said disobedience or failure continues after the date of first conviction:

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of his Act.

159. *In default of owner or occupier, Taluk Board may execute works and recover expenses.*—(1) Whenever, under the provisions of this Act, any work is required to be executed by the owner or occupier of any building, or land, and default is made in the execution of such work, the Taluk Board, whether any penalty is or is not provided for such default, may cause such work to be executed; and the expenses thereby incurred shall, unless otherwise expressly provided in this Act, be paid to it by the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter IX either in one sum or by instalments as the Taluk Board may deem fit.

(2) If the defaulter be the owner of the building or land, the Taluk Board may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (3), the payment of all or any part of the expenses payable by the owner for the time being, from the person who then or any time thereafter, occupies the building or land under such owner; and in default of payment thereof by such occupier on demand, the same may be levied from such occupier; and every amount so leviable shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter IX. Every such occupier shall be entitled to deduct

from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses.

(3) No occupier of any building or land shall be liable to pay more money in respect of any expenses charged on the owner thereof, than the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable at the time of the demand made upon him, or which at any time after such demand and notice not to pay the same to his landlord, has accrued and become payable by such occupier, unless he neglects or refuses upon application made to him for that purpose by the Taluk Board, truly to disclose the amount of his rent, and the name and address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand, or which has since accrued, shall be upon such occupier:

Provided that nothing herein contained shall be deemed to affect any special contract made between any such occupier and the owner respecting payment of the expense of any such works as aforesaid.

160. *Expenses or costs how determined and recovered.*—If a dispute arises with respect to any expenses or costs which are by this Chapter directed to be paid, the amount, and if necessary by apportionment of the same, shall, save where it is otherwise expressly provided in this Act, be ascertained and determined by the Taluk Board, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter IX.

CHAPTER IX

Property and Finance

161. *Taluk Board Fund, its custody and investment.*—(1) There shall be for each taluk a fund called the Taluk Board Fund which shall be administered by the Taluk Board of the taluk.

(2) The amount at the credit of the Taluk Board Fund shall be kept in the Government Treasury of the taluk.

(3) It shall be lawful for a Taluk Board to deposit at interest with the Government Savings Bank or with the sanction of the Government, in any Scheduled Bank or Co-operative Bank in the State, any surplus funds in its hands which may not be required for current charges and with like sanction, invest such funds in securities of the Government of India or of the Government of Mysore or in

such other securities as the Government may, from time to time, approve in this behalf, and vary such investment or dispose of such securities with like sanction.

162. *Composition of Taluk Board Fund.*—The following shall form part of, or be paid into the Taluk Board Fund, namely :—

(i) such portion of the balance of the funds of the District Board of the district as the Government may allot to the Taluk Board concerned ;

(ii) all rates, cesses, taxes, fees and penalties paid to or levied by or on behalf of the Taluk Board under this Act, and all fines imposed by a Magistrate under this Act or the regulations framed thereunder ;

(iii) all rents from lands or other properties of the Taluk Board ;

(iv) all interest,, profits and other moneys accruing by gifts, grants assignments or transfers from the Government or private individuals or otherwise ;

(v) all proceeds of land and other property sold by the Taluk Board including sale proceeds of gross and of produce of trees not vested in private individuals on the sides of roads and on other public grounds under the control and administration of the Taluk Board and of timber fallen or felled therefrom ; and

(vi) all sums received by or on behalf of the Taluk Board by virtue of this or any other Act.

163. *Levy of local cess.*—(1) The Government shall levy a local cess at a rate of twelve naye paise in the rupee on all items of land revenue.

[1][(2) A Taluk Board may pass a resolution to the effect that the rate of local cess under sub-section (1) may be increased to such rate not exceeding twenty-five paise in the rupee as may be specified in such resolution.

(3) The resolution under sub-section (2) shall state the reasons for which such increase is proposed.

(4) When such a resolution has been passed, the Taluk Board shall publish the same in such in such manner with a notice in such form as may be prescribed.

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1. Sub. by Ordinance No. 6 of 1969.

(5) Any inhabitant of the taluk objecting to the increase in the rate may, within one month from the date of such publication send his objection in writing to the Taluk Board and the Board shall take such objections into consideration and unless it desires to abandon the proposed increase in accordance with such objections shall send them with its opinion thereon and any modification proposed in accordance with such objections together with the notice and the resolution to the Government through he commissioner.

(6) On receipt of the resolution the Government shall by notification, determine the increase in the rate of local cess. Thereupon the local cess shall be levied and collected at such increased rate.

(7) The provisions of the Mysore Land Revenue Act, 1964 (Mysore Act 12 of 1964), and the rules, notifications and orders made thereunder, shall be applicable for the payment and recovery of the local cess levied under this section as if the said local cess is an addition to the land revenue payable in respect of the land concerned.]

164. *Levy of taxes.*—(1) Subject to any general or special orders which may be made by the Government in this behalf every Taluk Board may, after observing the procedure prescribed in this section and with the sanction of the Commissioner levy—

(*a*) a duty on transfers of immoveable property, in the shape of an additional stamp duty;

(*b*) a tax on animals brought for sale in the markets established in any area within the jurisdiction of the Taluk Board not exceeding twenty-five naye paise per animal.

(2) Every Taluk Board shall before imposing a tax, by a resolution passed at a meeting of the Board select the tax and approve the rules specifying (i) the class or classes of persons or of property or of both which the Taluk Board desires to make liable; (ii) any exemptions which it desires to make; (iii) the amount for which or the rate at which it is desired to make such classes liable; and (iv) all other matters which the Government may require to be so specified.

(3) When such a resolution has been passed, the Taluk Board shall publish the rules with a notice in the form specified in Scheduled III.

(4) Any inhabitant of the taluk objecting to the imposition of the said tax or to the amount or rate proposed or to the class of persons or property to be made liable thereto or to any exemptions

proposed, may within one month from the publication of the said notice send his objection in writing to the Taluk Board and the Board shall take all such objections into consideration and unless it decides to abandon the proposed tax in accordance with such objection, shall send them with its opinion thereon and any modification proposed in accordance wih such objections together with the notice and the rules to the Commissioner.

(5) The Commissioner may either refuse to sanction the rules submitted or return them to the Taluk Board for further consideration or, if, no objection which is in his opinion sufficient, was made to the proposed tax, may sanction the said rules either (*a*) without modification, or (*b*) subject as he deems fit to such modifications not involving an increase of the amount to be imposed.

(6) All rules sanctioned under sub-section (5) with all modifications subject to which the sanction is given shall be published by the Taluk Board in the taluk for which they are made together with a notice indicating the sanction and the date and serial number thereof and the tax as described in the rules so published shall, from a date which shall be specified in such notice and which shall not be less than one month from the publication of such notice be imposed accordingly.

(7) The duty on transfers of immoveable property (hereinafter in this section referred to as transfer duty) shall be levied in the form of a surcharge on the duty imposed by the Mysore Stamp Act, 1957, on instruments of sale, gift, mortgage, exchange and lease in perpetuity, of immoveable property situated within the limits of the Taluk Board at a rate not exceeding three percentum on, as the case may be, the amount of the consideration for the sale, the value of the property in the case of a gift, or the amount secured by the mortgage, the value of the property of the greater value in the case of exchange, or the value of the rent for the first ten years in the case of a lease, as set forth in the instrument :

Provided that no such duty is leviable in respect of mortgage where the amount secured by a mortgage does not exceed rupees two thousand.

(8) On the introduction of the transfer duty—

(*a*) section 28 of the Mysore Stamp Act, 1957, shall be read as if it specifically required the particulars to be setforth separately in respect of the property situated within and without the area under the jurisdiction of the Taluk Board ;

(*b*) section 61 of the same Act shall be read as if it referred to the Taluk Board as well as the Government.

(9) The Government may make rules for regulating the collection of the transfer duty, the payment thereof to the Taluk Board and the deduction of any expenses incurred by the Government in the collection thereof.

(10) No transfer duty shall be chargeable—

(i) in respect of any instrument executed by or on behalf of or in favour of the Government in cases where but for this exemption the Government would be liable to pay the transfer duty under sub-section (7) in respect of such instrument, or

(ii) in respect of any instrument exempt from stamp duty under the Mysore Stamp Act, 1957.

165. *Government to assign to Taluk Board certain revenues.*— (1) The Government shall make annually a grant to every Taluk Board of an amount equal to [1][fifty per cent] of the land revenue collection of the taluk.

(2) The Government shall also assign to the Taluk Boards in the State an amount equal to [1][ten per cent] of the land revenue collection of the State, the amount to be allotted to any Taluk Board being such, as the Government may, from time to time, determine, to be expended on such purposes as the Government may from time to time direct.

(3) For determining the land revenue collection of a taluk and of the State, for purposes of sub-sections (1) and (2), the Deputy Commissioner in respect of the taluk and the Government in respect of the State, shall determine every four years the average land revenue collection on the basis of the said collection for a period of five years preceding the date of such determination, and the said average land revenue collection shall be deemed to be the land revenue collection payable or assignable, as the case may be, for a period of four years from the date of such determination.

[1][(4) The Government shall assign to every Taluk Board the entire local cess on land revenue collected in the area within the jurisdiction of the Taluk Board].

(5) The amounts granted and assigned to a Taluk Board under sub-sections (1), (2) and (4) shall be credited to the Taluk Board Fund at such times and in such manner as may be prescribed.

1. Sub. by Ordinance No. 6 of 1969.

166. *Application of Taluk Board Fund and property.*—(1) The Taluk Board Fund and all property held by or vested in the Taluk Board under this Act, shall be applied subject to the provisions of this Act, for the payment of—

(*a*) honorarium to the President, and travelling and daily allowance to the President and members of the Taluk Board or any committee thereof, and of the members of the District Development Council resident in the taluk subject to such rules as may be made in this behalf by the Government;

(*b*) the salaries, allowances, pensions and gratuities of its officers and servants;

(*c*) any amounts falling due on any loans contracted by the Board;

(*d*) expenses incurred—

(i) for holding elections to the Taluk Board under this Act;

(ii) for the purposes specified in this Act; and

(iii) all other purposes for which by or under this Act or the rules or regulations thereunder or any other law for the time being in force, powers are conferred or duties imposed upon the Taluk Board; and

(iv) with the previous sanction of the Government for any other purpose for which the application of such property or fund is necessary in the public interest:

Provided that any funds granted to the Taluk Board by the Government or any person or local authority for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may lay down, either generally or specially in this behalf.

(2) If prior to the commencement of this Act the District Board of a district was incurring any expenditure out of its funds for or towards the maintenance of primary and secondary schools, the Taluk Boards of such district shall pay annually to a School Board or other authority which may be set up for the management of such schools, such sums as may be determined by the Government from time to time.

[1][166A. *Taluk Board to assign a portion of 'Shandy' revenues to Panchayats.*—(1) Notwithstanding anything contained in section 166, twenty-five per cent of the annual revenue derived

167. *Rents and fees.*—Save as otherwise provided in this Act and subject to the regulations made in this behalf, a Taluk Board may charge fees for any licence or permission issued under this Act and levy rents and fees for the occupation or use of land or other property placed under its control or vested in it or maintained out of the Taluk Board Fund.

168. *Agency for collection.*—All items of revenue shall be collected by such agency as the Taluk Board appoints in this behalf with the approval of the Government, provided that it shall be lawful for a Taluk Board to lease the right to levy any fee that may be imposed under this Act by public auction, subject to the rules prescribed and the amount due under such lease shall be recoverable in the manner provided in this Chapter.

169. *Power to expel persons who refuse to pay fees.*—When any fee has been imposed under section 167 or any other provision or the right to collect it has been leased under section 168, any person employed by the Taluk Board or by the lessee to collect such fees may, subject to the conditions of the lease, collect the fee or expel from the place for the use of which the fee is payable, any person who is liable to pay the fee but refuses to pay it.

170. *Taluk Board may raise loans and may form a sinking fund.*—A Taluk Board may with the previous sanction of the Government and subject to the conditions imposed by it from time to time, raise loans for the execution of any work or for the purpose of carrying out any of the provisions of this Act and form a sinking fund for the repayment of such loans.

171. *Power to make grants-in-aid.*—Subject to the previous sanction of the Commissioner, a Taluk Board may make grants-in-aid to any medical, educational or charitable institution or any other institution of public utility, within or without the area under its authority, whether it be under public or private management.

172. *Arrangement purporting to be binding permanently or for a term of years.*—When a Taluk Board has entered into any arrangement, or made any promise, purporting to bind itself for a term of years or for an unlimited period, to continue to any institution a yearly contribution from its property or from the Taluk Board Fund, it shall be lawful for the Taluk Board with the sanction of the Government, to cancel such arrangement or promise or to discontinue or to diminish such contribution, provided that it shall have given at least one year's notice of its intention so to do to the manager or managers of such institution.

173. *Prohibition of expenditure not covered by the budget.*— Except as hereinafter provided, no payment of any sum shall be made out of the Taluk Board Fund unless the expenditure of the same is covered by a budget grant, except in the following cases, namely :—

(*a*) refunds of taxes and other moneys which the Taluk Board is authorised to make under this Act or the rules or regulations made thereunder ;

(*b*) repayment of moneys belonging to the contractors or other persons held in deposit and of moneys credited to the Taluk Board Fund by mistake ;

(*c*) sums which the Taluk Board is required or empowered by this Act to pay by way of compensation ;

(*d*) every sum payable—

(i) under this Act by order of the Deputy Commissioner or Commissioner or Government ;

(ii) under a decree or order of a civil court ; and

(iii) under a compromise of any suit or other legal proceedings or claim.

(*e*) all contributions payable by the Taluk Board to the Government for the maintenance of water supply, of dispensaries and other institutions or services managed by the Government on behalf of the Taluk Board or on behalf of any other local authority or authorities.

174. *Presentation of Accounts.*—(1) The Standing Committee shall cause to be prepared and laid before the Taluk Board at its ordinary meetings complete accounts of the receipts and expenditure of the Taluk Board since the first day of April last preceding and at a meeting, which shall be held between the first day of November and the first day of January, a complete account of the actual and expected receipts and expenditure for the official year ending on the thirty-first day of March next following, together with a budget estimate of the income and expenditure of the Taluk Board for the official year to commence on the first day of April next following.

(2) The Taluk Board shall thereupon decide upon the appropriation and the ways and means contained in the budget of the year to commence on the first day of April next following. The budget as passed by the Taluk Board shall be sent for approval to the District Council before such date as may be fixed by the Government.

If the budget is not returned by the District Council within two months of the receipt thereof by it, the budget shall be deemed to have been approved.

(3) In such budgt estimate, the Taluk Board shall, among other things—

(*a*) make adequate and suitable provision for such services as may be required for the fulfilment of the several duties imposed on the Taluk Board by this Act or any other law ;

(*b*) provide for the payment, as they fall due of all instalments of principal and interest for which the Taluk Board may be liable in respect of loans contracted by it ;

(*c*) provide for the payment of all sums payable to the Government and of all contributions for the maintenance of water supply, of dispensaries and other institutions or services managed by the Government on behalf of the Taluk Board or on behalf of any other local authority or authorities ;

(*d*) allow for a balance at the end of the said year of not less than such sum as may, from time to time, be fixed by the Government either generally for all Taluk Boards or specially for any Taluk Board.

(4) If the budget fails to make adequate provision for the performance of the duties of the Taluk Board and is not otherwise in conformity with this Act, the District Council may, modify any, part of the budget so as to ensure that such provision is made and that the budget is in conformity with the Act.

175. *Revision of budget.*—If, in the course of the official year, the Taluk Board finds it necessary to modify the provisions made in the budget with regard to the receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may make such modification :

Provided that, without the approval of the District Council—

(*a*) no reduction shall be made in the amounts allotted for the several items specified in clauses (*b*) and (c) of sub-section (3) of section 174 ;

(*b*) the closing balance shall not be reduced below the sum fixed under clause (*d*) of sub-section (3) of section 174.

176. *Maintenance of accounts and restriction of expenditure.*—(1) Accounts of the income and expenditure of the Taluk Board Fund shall be kept in accordance with such rules as may be prescribed.

(2) Expenditure from the Taluk Board Fund shall, save as otherwise expressly provided for in this Act, be incurred subject to such restrictions, conditions and limitations as may be prescribed.

(3) The Taluk Board shall, at the first ordinary meeting held after the audit of the past official year's accounts, pass such accounts.

177. *Transmission of accounts.*—The Taluk Board shall, as soon as the annual accounts have been finally passed by it, transmit to the District Council an account in the form prescribed in this behalf, and shall furnish such details and vouchers relating to the same as the Commissioner may, from time to time, direct.

178. *Power to write off irrecoverable sums.*—Subject to such restrictions and control as may be prescribed, a Taluk Board may write off any sum due to it, whether under a contract or otherwise or any sum payable in connection therewith, if in its opinion, such sum is irrecoverable :

Provided that no sum exceeding five hundred rupees shall be written off except with the previous sanction of the Government

179. *Audit of accounts.*—(1) The accounts of the Taluk Board Fund shall, from time to time, and at least once in every year be audited in such manner as may be prescribed by such one of the officers as may be authorised by the Government to audit the accounts of Taluk Boards (hereinafter referred to as the auditor) and with the previous sanction of the Government, also by such other agency, if any, as may be appointed by the Taluk Board.

(2) The auditor or auditors shall, for the purposes of audit have access to all the accounts and other records of the Taluk Board ;

(3) The Taluk Board shall pay from the Taluk Board Fund such charges for the audit as may be agreed upon between the Board and the auditor and in the case of a Government auditor, such charges as may be prescribed by the Government.

180. *Powers of Government auditor, etc.*—(1) The Government auditor may—

(*a*) require in writing the production before him of such vouchers, statements, returns, correspondence, notes or other documents which he may consider neecssary for the proper conduct of his audit ;

(*b*) require in writing any person accountable for or having the custody or control, of any such vouchers, statements, returns, correspondence, notes or documents or any person having directly or indirectly by himself or his partner any share or interest in any contract with or under the Taluk Board to appear in person before him ;

(*c*) require any person so appearing before him to make and sign a declaration with respect to such vouchers, statements, returns, correspondence, notes or documents or to answer any question or prepare and submit any statement ;

(*d*) in the event of an explanation being required from the President or other honorary officer or member of the Taluk Board, in writing invite such person to meet him and shall in writing specify, the point on which his explanation is required.

(2) Any person who wilfully neglects or refuses to comply with any requisition lawfully made under sub-section (1) shall on conviction be punished with fine which may extend to one hundred rupees :

Provided that no proceedings under this sub-section shall be instituted without the sanction of the Deputy Commissioner.

181. *Duties of Government auditor.*—(1) The Government auditor shall—

(*a*) as soon as may be after the completion of the audit, deliver to the Standing Committee of the Taluk Board a report upon the audit of the Taluk Board Fund accounts ;

(*b*) report to the Standing Committee and to the Commissioner any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of money due to the Taluk Board or in the Taluk Board Fund accounts ; and

(*c*) report to the Standing Committee and to the Commissioner any loss or waste of money or other property owned by or vested in the Taluk Board caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste.

(2) The Standing Committee shall forthwith remedy any defects or irregularities that may be pointed out by the auditor.

182. *Disallowance by Government auditor and order by Commissioner.*—(1) The Government auditor shall disallow every item of payment contrary to law and report the same to the Commissioner with particulars as regards the person making or authorising the making of such payment.

(2) The Commissioner may, on the report of the auditor or on his own motion and after taking the explanation of the person concerned or making such further enquiry as he may consider necessary, charge any person responsible therefor the amount disallowed under sub-section (1) or the amount of any deficiency or loss caused by the negligence or misconduct of such person or any sum received which ought to have been, but is not brought into account by such person, and shall, in every such case, certify the amount due from such person.

(3) The Commissioner shall in writing state the reasons for his decision in respect of every charge and send a copy thereof to the person against whom it is made.

183. *Appeal against the order.*—Any person aggrieved by the order of the Commissioner under section 182 may, within thirty days of the receipt by him of a copy of the decision of the Commissioner, either—

(*a*) apply to the civil court having jurisdiction to set aside such order; and the court, after taking such evidence as it considers necessary, may confirm, modify or remit such charge, and make such orders as to costs as it deems proper in the circumstances; or

(*b*) in lieu of such application, appeal to the Government which shall pass such orders as it thinks fit.

184. *Recovery of amounts disallowed.*—(1) Every sum certified by the Commissioner to be due from any person under sub-section (2) of section 182 shall be paid by such person to the Taluk Board within thirty days from the date of the receipt by him of a copy of the decision, unless within that time such person has applied to the court or appealed to the Government as provided in section 183.

(2) Such sum, if not duly paid, or such sum as the court or the Government shall declare to be due under section 183, shall be recoverable by the Deputy Commissioner as an arrear of land revenue along with the necessary expenses of such recovery and shall be credited to the Taluk Board Fund.

185. *Procedure for recovery of dues.*—(1) When any sum payable on demand—

(*a*) which by or under the provisions of this Act, is declared to be recoverable in the maner provided by this Chapter, or

(*b*) which is claimable as a tax, fee or other amount due to the Taluk Board under this Act, or under any rule or regulation made thereunder,

shall have become payable and remains unpaid for fifteten days after the same is due, the Chief Executive Officer or an officer duly authorised by him in writing in this behalf (hereinafter referred to as the authorised officer) may serve upon the person or persons liable to pay such sum, a notice in writing in the prescribed form.

(2) If such person does not, within fifteen days from the service of such notice of demand upon him, pay the sum due, or show cause to the satisfaction of the Chief Executive Officer why the same should not be paid, the Chief Executive Officer or the authorised officer may recover such sum, with all costs, by distraint and sale of the moveable property of the defaulter.

(3) In order to effect the distraint and sale of property under sub-section (2) the Chief Executive Officer or the authorised officer shall issue a warrant in the prescribed form and a warrant fee of twelve naye paise shall be leviable for each warrant.

(4) The Chief Executive Officer or the authorised officer shall make an inventory of the property distrained, a copy of which shall on demand be delivered to the defaulter or any person on his behalf, and if the amount due is not paid within fifteen days after distraint, the property may be sold.

(5) The Chief Executive Officer or the authorised officer shall give or cause to be given to every person making payment of a tax, fee, or other amount due, a receipt therefor signed by him. Such receipt shall specify—

(*a*) the date of the grant thereof,

(*b*) the name of the person by whom it is granted,

(*c*) the tax, fee, or other amount due in respect of which the payment has been made,

(*d*) the period for which the payment has been made, and

(*e*) the amount in respect of which it is granted.

186. *Conditions of distraint and sale.*—(1) Whenever, under section 185, any property is distrained, seized or sold in consequence of the non-payment of any tax, fee, or other amount due, such

distraint, seizure and sale shall be effected subject to the provisions of the following sub-sections and of section 62 of the Code of Civil Procedure, 1908 (Central Act V of 1908).

(2) All such property as is by the Code of Civil Procedure, 1908 (Central Act V of 1908) exempted from attachment or sale in execution of a decree shall be exempt from distraint or sale under this section.

(3) The distress shall not be excessive, that is to say, the value of the property distrained shall be, as nearly as possible proportionate to the amount due on account of the tax, fee, or other amount due and distraint fee and the probable expenses incidental to the detention and sale of the said property.

(4) When the property seized is subject to speedy and natu ral decay, or if in the opinion of the person seizing the property, the expense of keeping it in custody together with the amount due, exceeds the value of the property, the said person shall immediately after seizure of such proprty, give notice to the person from whose possession it was seized, to the effect that it will be sold at once and shall sell it accordingly unless the amount due is paid forthwith.

(5) Any surplus amount that may remain after deducting the amount of the tax, fee, or other amount due and of the said expenses, including the expenses of the sale, shall be paid to the owner of the property.

(6) If any claim be set up by a third person to moveable property distrained under section 185, the Chief Executive Officer shall after a summary enquiry held after giving reasonable notice to the claimant admit or reject the claim. If the claim be admitted wholly or partly, the property shall be dealt with accordingly. Except in so far as it is admitted, the property shall be sold and the title of the purchaser shall be good for all purposes, and the proceeds shall be disposed of as hereinbefore directed :

Provided that nothing in this sub-section shall be deemed to bar the claimant or any person having any interest in the property distrained, from seeking relief in a civil court having jurisdiction.

PART IV

CHAPTER X

District Development Councils

187. *Constitution of District Councils.*—(1) The Government shall by notification constitute for each revenue district a District Development Council.

(2) The District Development Council shall consist of—

(i) The Deputy Commissioner of the District;

(ii) Members of the House of the People and the State Legislative Assembly and the State Legislative Council, representing a part or whole of a district whose constituencies lie within the district;

(iii) Members of the Council of States and the State Legislative Council, not elected from territorial constituencies ordinarily resident in the district

(iv) the Presidents for the time being of the Taluk Boards in the district;

(v) such officers of Government working in the district not exceeding fifteen in number as may be nominated by Government to be members; and

(vi) a member of the Scheduled Castes nominated by the Government; and

(vii) a woman nominated by the Government.

(3) The members nominated under clauses (vi) and (vii) of sub-section (2) shall hold office for such period as the Government may from time to time determine.

188. *President and Secretary.*—(1) The Deputy Commissioner of the district shall *ex-officio* be the President of the District Council.

(2) There shall be a Secretary to the Council who shall be appointed by Government.

189. *Functions of the District Development Councils.*—(1) The District Councils shall perform the following functions, namely—

(*a*) scrutiny and approval of the budgets of the Taluk Boards;

(*b*) reviewing the work of the Taluk Boards from time to time;

(*c*) affording guidance or assistance to the Taluk Boards when it is sought;

(*d*) co-ordination of the work of the Taluk Boards where the work or programme pertains to more than one taluk or has repercussions on the works carried on or on conditions outside the taluk; and

(*e*) any other duty that may be entrusted by Government relating to the work of the Taluk Boards.

(2) The working of and the transaction of business by the District Councils shall be in accordance with such rules as may be prescribed.

(3) The District Council shall have power to appoint committees to deal with and report on any matter referred to them.

190. *Administration Report.*—Every District Council shall on receipt of the annual Administration Reports of the Taluk Boards in the district prepare a consolidated report including a report of its own work and send a copy thereof to the Commissioner and to the Government before such date as may be fixed by the Government.

PART V—General

CHAPTER XI

SPECIAL PROVISIONS REGARDING AREAS EXCLUDED FROM THE OPERATION OF THIS ACT.

[*Repealed by Act 22 of 1964—Section 328*]

CHAPTER XII

CONTROL

196. *Chief Controlling Authority.*—The Commissioner shall subject to the control and orders of the Government, be the chief controlling authority in respect of all matters relating to the administration of this Act.

197. *Delegation of powers.*—(1) The Government may by notification delegate to the Commissioner such of its powers under this Act as may be prescribed except the power to issue notifications under Chapter XI or to make rules under section 210 or orders under section 245.

(2) The Government may by notification delegate to the Deputy Commissioner any of the powers conferred under this Act on the Commissioner.

(3) An Assistant Commissioner of a Revenue Sub-Division may in regard to Panchayats and Taluk Boards exercise such powers conferred on a Deputy Commissioner under this Act, as the Government may by order published in the official gazette direct.

(4) The Government may, by notification in the official gazette, authorise any person to exercise in respect of Panchayats any of the powers conferred on a Taluk Board under the provisions of this Act, when such Taluk Board is dissolved or superseded.

(5) Subject to such rules as may be prescribed, the Deputy Commissioner may delegate to an officer not below the rank of a Tahsildar or a Block Development Officer powers conferred on the Deputy Commissioner under this Act in regard to Panchayats including the powers exercisable by an Assistant Commissioner, under sub-section (3).

198. *Power of inspection and supervision.*—(1) The Commissioner, Deputy Commissioner or any Officer of Government authorised by a general or special order of the Government may—

(*a*) enter on and inspect any immoveable property occupied by any Panchayat or Taluk Board or any institution under its control and management, or any work in progress under it or under its direction, or cause such immoveable property, institution or work to be entered upon and inspected by any other officer authorised by him in this behalf in writing; and

(*b*) call for any extract from the proceedings of any Panchayat or Taluk Board or any committee appointed by such Panchayat or Board, and call for or inspect any book or document in the possession of or under the control of a Panchayat or Taluk Board.

(2) The Commissioner or the Deputy Commissioner may—

(*a*) call for any return, statement, account or report from a Panchayat or Taluk Board; and

(*b*) require a Panchayat or Taluk Board to take into consideration,—

(i) any objection which appears to him to exist to the doing of anything which is about to be done by such Panchayat or Taluk Board; or

(ii) any information furnished by him which appears to him to necessitate the doing of a certain thing by such Panchayat or Taluk Board;

and to make a written reply to him within a reasonable time stating its reasons for not desisting from doing or for not doing, such thing.

199. *Reduction of establishment of Panchayats and Taluk Boards.*—(1) If in the opinion of the Deputy Commissioner the

number of persons employed or proposed to be employed by a Panchayat or Taluk Board as officers and servants or the amount of remuneration given or proposed to be given by the Panchayat or Taluk Board to such persons is excessive, the Panchayat or Taluk Board shall on a direction issued by the Deputy Commissioner in this behalf reduce the number or the amount:

Provided that no such direction in respect of a Taluk Board shall be issued by the Deputy Commissioner without consulting the District Development Council.

(2) The Panchayat or Taluk Board may appeal to the Commissioner against any direction given under sub-section (1) and the decision of the Commissioner on such appeal shall be final.

200. *Deputy Commissioner's power of suspending execution of orders, etc., of Panchayats and Taluk Boards.*—(1) Except in respect of cases expressly provided for in any other provision of this Act, if in the opinion of the Deputy Commissioner the execution of any order or resolution of a Panchayat or Taluk Board or any order of any authority or officer of the Panchayat or Taluk Board or the doing of anything which is about to be done, or is being done by or on behalf of a Panchayat orTaluk Board, is unjust, unlawful or improper, or is causing or is likely to cause, injury or annoyance to the public or to lead to a breach of the peace, he may, by order in writing, under his signature, suspend the execution or prohibit the doing thereof.

(2) When a Deputy Commissioner makes any order under sub section (1), he shall forthwith forward to the Commissioner and to the Panchayat or Taluk Board affected thereby a copy of the order, with a statement of the reasons for making it; and the Commissioner may after such inquiry as may be necessary rescind or modify the order, as he deems fit.

201. *Execution of work in certain cases.*—(1) The Deputy Commissioner may provide for the execution of any work or the doing of any act which a Panchayat or Taluk Board is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary in the interests of the general public, and may direct that the expenses of executing the work or doing the act shall be forthwith paid by the Panchayat or the Taluk Board, as the case may be.

(2) If the expense is not so paid, the Deputy Commissioner may direct the officer in custody of the Panchayat Fund or the Taluk Board Fund, as the case may be, to pay such expense, or so much there of as is possible, from the balance of such fund in his hands.

(3) The Deputy Commissioner shall forthwith report to the Commissioner every case in which he exercises the powers under sub-section (1).

202. *Default in performance of duty of Panchayats or Taluk Boards.*—(1) If at any time, it appears to the Deputy Commissioner that a Panchayat or Taluk Board has made default in the performance of any duty specified by or under any of the provisions of this Act or of any law for the time being in force, he may, order the duty to be performed within a specified period, and, if the duty is not performed within the period specified, the Deputy Commissioner may appoint some person to perform it, and direct that the expense thereof shall be paid by the defaulting Panchayat or Taluk Board within such period as he may fix.

(2) If the expense is not so paid the Deputy Commissioner may direct the officer in custody of the Panchayat Fund or Taluk Board Fund, as the case may be, to pay such expense, or so much thereof as is possible from the balance of such fund in his hands.

(3) The Deputy Commissioner shall forthwith report to the Commissioner any action taken under this section and the Commissioner may revise or modify any order made under sub-section (1) and make in respect thereof any other order which the Deputy Commissioner could have made.

[1][" 202A. *Recovery of amounts due to the Government or the Electricity Board from a Panchayat or Taluk Board.*—Notwithstanding anything contained in this Act or any other law, if a Panchayat or Taluk Board, makes default in the payment of any amount due to the Government or the Mysore State Electricity Board, the Government may,—

(*a*) make an order directing the person having the custody of the Panchayat Fund or the Taluk Board Fund, as the case may be, to pay such amount to the Government or the Mysore State Electricity Board, as the case may be, in priority to any other charges against such fund, and such person shall so far as the sums to the credit of the Panchayat or the Taluk Board, as the case may be, admit, be bound to comply with such order ; or

(*b*) make an order directing the deduction of such amount out of any grant payable by the Government under this Act to the Panchayat or the Taluk Board, as the case may be, and adjustment of the same towards the amount due to the Government, or pay-

1. Ss. 202A and 202B inserted by Ordinance No. 6 of 1969.

ment of the same to the Mysore State Elecricity Board, as the case may be, and the deduction and adjustment or payment shall be made accordingly.

[202B. *Power to appoint Administrator in certain cases.*— Notwithstanding anything contained in this Act,—

(1) whenever—

(*a*) any general election to a Taluk under this Act or any proceednig consequent thereon have been stayed by an order of a competent court or authority; or

(*b*) the election of all the members or more than two-thirds of the total number of elected members of the Taluk Board has been declared by a competent court or authority to be void; or

(*c*) the term or the extended term of office of the elected members of the Taluk Board has expired and the new Taluk Board has not been constituted after a general election in accordance with the provisions of this Act; or

(*d*) the seats of more than two-thirds of the elected members of the Taluk Board has expired and the new Taluk Board has not been constituted after a general election in accordance with the provisions of this Act; or

(*d*) the seats of more than two-thirds of the elected members of the Taluk Board have become vacant by their resignation or otherwise,

the Government shall, by notification, appoint an Administrator for such period as may be specified in the notification and may, by notification, curtail or extend the period of such appointment;

(2) on the appointment of an Administrator under sub-section (1), and during the period of such appointment, the said Taluk Board and committees thereof and the President, Vice-President and other authorities charged with carrying out provisions of the Act or any other law, shall cease to exercise any powers and perform and discharge any duties or functions conferred or imposed on them by or under this Act or any other law and all such powers shall be exercised and all such duties and functions shall be performed and discharged by the Administrator;

(3) the Government may, if it thinks fit, appoint an advisory council to advise and assist the Administrator appointed under sub-section (1) in the exercise of the powers and the performance and discharge of the duties and functions conferred or imposed on him under this Act, or any other law. The members of the advisory council shall hold office during the pleasure of the Government.

203. *Dissolution or supersession of Panchayat or Taluk Board.* —(1) If, in the opinion of the Commissioner, a Panchayat exceeds or abuses its powers or is incompetent to perform or makes persistent default in the performance of the duties imposed on it under section 42 or 43 or 45, or any other law for the time being in force, or fails to levy a tax under section 73 or persistently disobeys any of the orders of the Deputy Commissioner or Commissioner under this Act, the Commissioner may by an order published in the official gazette—

(i) dissolve such Panchayat, or

(ii) supersede such Panchayat for the period specified in the order.

Such period may be longer than the term for which the members of the Panchayat would have held office under section 24, if the Panchayat had not been superseded under this section :

Provided that the Commissioner may from time to time extend or curtail the period of supersession by an order published in the official gazette :

Provided further that no such period shall extend beyond one year, unless the previous sanction of the Government has been obtained.

(2) If in the opinion of the Government, a Taluk Board exceeds or abuses its powers or is incompetent to perform or makes persistent default in the performance of the duties imposed on it under section 130 or 131 or any other law for the time being in force or persistently disobeys any of the orders of the Deputy Commissioner or Commissioner or the Government under this Act, the Government may by an order published in the official gazette—

(i) dissolve such Taluk Board ; or

(ii) supersede such Taluk Board for the period specified in the order.

Such period may be longer than the term for which the members of the Taluk Board would have held office under section 108 if the Taluk Board had not been superseded under this section :

Provided that the Government may from time to time extend or curtail the period of supersession by an order published in the official gazette ;

(3) Before publishing an order under sub-section (1) or sub-section (2), the Commissioner or the Government shall communicate to the Panchayat or the Taluk Board, as the case may be, the grounds on which he or it proposes to do so, fix a reasonable period for the Panchayat or the Taluk Board, to show cause against the proposal, and consider its explanations and objections, if any.

(4) When a Panchayat or Taluk Board is dissolved or superseded all the members of the Panchayat or Taluk Board shall, from the date specified in the order, vacate their office as such members.

(5) When a Panchayat or Taluk Board is dissolved, it shall be reconstituted in the manner provided in this Act.

(6) If a Panchayat or Taluk Board is superseded—

(*a*) all the powers and duties of the Panchayat or Taluk Board shall, during the period of supersession, be exercised and performed by such person or persons as the Deputy Commissioner or the Government, as the case may be, may, from time to time, appoint in this behalf; and

(*b*) all property vested in the Panchayat or Taluk Board shall during the period of supersession, vest in the Government; and

(*c*) on the expiry of the period of supersession, the Panchayat or Taluk Board shall be reconstituted in the manner provided in this Act, and the persons vacating office shall be eligible for re-election or re-nomination.

204. *Disputes between Panchayats and Taluk Boards and Municipalities and Town Area Committees in a district.*—If a dispute arises between two or more Panchayats or Taluk Boards or between a Panchayat and a Taluk Board or between a Panchayat or Taluk Board and a Town Municipal Council or Councils or a Town Area Committee or Committees in a district, the matters in dispute shall be referred to the Deputy Commissioner or such other officer as may be prescribed in this behalf for decision.

205. *Dipute between Panchayatts, Taluk Boards and City Municipalities and between Local Authorities in two districts.*—(1) If a dispute arises between two or more Panchayats or between two or more Taluk Boards or between a Panchayat and a Taluk Board in different districts or between any Panchayat or Taluk Board in any district and any Town Municipal Council or any Town Area Committee or between any such local authority and a City Municipal Council in any other district in the same Division or between any Panchayat or Taluk Board and any City Municipal Council, whether in the same district or in different districts, in the same Division, the matters in dispute shall be referred to the Commissioner for decision.

(2) If any dispute referred to in sub-section (1) arises between local authorities in different Divisions, the matters in dispute shall be referred to the Government for decision.

206. *Appeals.*—(1) Any person aggrieved by an original order of the Deputy Commissioner under this Act may within such period as may be prescribed appeal to the Commissioner.

(2) Any person aggrieved by an original order of the Commissioner under this Act may within such period as may be prescribed appeal to the Government.

(3) The appellate authority may after giving an opportunity to the appellant to be heard and after such enquiry as it deems fit decide the appeal, and its decision shall be final.

207. *Revision.*—(1) The Government or the Commissioner may call for and examine the record of any proceedings under this Act of any subordinate officer and after such enquiry as is deemed fit if the Government or the Commissioner, as the case may be, is satisfied that the order of the subordinate officer is contrary to law and has resulted in a miscarriage of justice, pass such orders thereon as the Government or the Commissioner deems just.

(2) No order under sub-section (1) shall be made to the prejudice of any party unless he has had an opportunity of being heard.

208. *Liability of members for loss, waste or misapplication.*—(1) Every member of a Panchayat or Taluk Board shall be personally liable for the loss, waste, or misapplication of any money or other property of the Panchayat or Taluk Board to which he has been a party, or which has been caused or facilitated by his misconduct or gross neglect of his duty as a member.

(2) If, after giving the member or members concerned a sufficient opportunity for showing cause to the contrary the Deputy Commissioner is satisfied that the loss, waste or misapplication of any money or other property of the Panchayat or Taluk Board is a direct consequence of misconduct or gross neglect on his or their part, the Deputy Commissioner shall by order in writing direct such member or members to pay to the Panchayat or Taluk Board before a fixed date, the amount required to reimburse it for such loss, waste or misapplication.

(3) If the amount is not so paid the Deputy Commissioner shall recover it as an arrear of land revenue and credit it to the Panchayat Fund, or Taluk Board Fund, as the case may be.

(4) An appeal shall lie from the decision of the Deputy Commissioner under sub-section (2) to the Commissioner and a second appeal from the decision of the Commissioner to the Government.

209. *Deputy Commissioner's right to requisition records, etc.* (1) Every person in possession of moneys, accounts, records or other property appertaining to a Panchayat or Taluk Board shall on the requisition in writing of the Deputy Commissioner for this purpose, forthwith hand over such moneys or deliver up such accounts, records or other property to the Chairman, President or other person authorised in the requisition to receive the same.

(2) The Deputy Commissioner may also take steps to recover any money due by such person in the same manner and subject to the same provisions as in the [1][Mysore Land Revenue Code, 1888, (Mysore Act IV of 1888), for the recovery of arrears of land revenue from defaulters; and for the purpose of recovering the accounts, records or the property appertaining to the Panchayat or Taluk Board may issue a search warrant and exercise all such powers with respect thereto as may lawfully be exercised by a magistrate under the provisions of Chapter VII of the Code of Criminal Procedure, 1898 (Central Act V of 1898).

(3) Every person knowing where any moneys, accounts, records or other property appertaining to a Panchayat or Taluk Board are concealed, shall be bound to give information of the same to the Deputy Commissioner.

(4) An appeal shall lie from an order of the Deputy Commissioner under this section to the Commissioner.

CHAPTER XIII

Rules, Regulations, Bye-Laws and Penalties

210. *Power to make rules.*—(1) The Government may by notification and after previous publication make rules to carry out all or any of the purposes of this Act and prescribe forms for any proceeding for which it considers that a form should be provided.

(2) In particular and without prejudice to the generality of the foregoing power, it shall have power to make rules,—

(*a*) authorising the payment of contributions at such rates and subject to such conditions as may be prescribed in such rules, to any provident fund which may be established by a Panchayat;

1. Now see the Mysore Land Revenue Act, 1964 (12 of 1964).

(*b*) prescribing the remuneration and allowances, if any, of members, Presidents and Vice-Presidents of Taluk Boards and of members of District Development Councils, the conditions under which and the rates at which payment of travelling expenses shall be made;

(*c*) prescribing the intermediate offices, if any, through which correspondence between Panchayats or Taluk Boards and the Government or Government officers shall pass;

(*d*) prescribing the mode of payment from the Panchayat and Taluk Board funds;

(*e*) prescribing the conditions on which grants-in-aid shall be paid from the Panchayat and Taluk Board Funds;

(*f*) governing the raising of loans by Taluk Boards and the grant of loans to Panchayats;

(*g*) in respect of the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of Panchayats and Taluk Boards and the power to accord technical or administrative sanction to estimates;

(*h*) for the application of the funds provided for the activities of the Development Blocks and for the regulation of the conditions of service of officers of the said Blocks;

(*i*) in respect of the estimates of receipts and expenditure, returns, statements and reports to be submitted by Taluk Boards;

(*j*) in respect of the mode in which the officers of the Government shall advice and assist Taluk Boards in carrying out the purposes of this Act;

(*k*) in respect of the recruitment of officers and servants and their qualifications and with regard to control, transfer, punishment or dismissal of of officers and servants of Panchayats and Taluk Boards and with regard to the pay, leave, and other privileges of such employees;

(*l*) for the guidance generally of Panchayats, Taluk Boards, Committees, and Government officers in all matters connected with the administration of this Act and not herein specifically provided for;

[1][(*m*)]

[1][(*n*)]

[1][(*o*)]

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1. Omitted by Act 22 of 1964.

(*p*) prescribing the fees for grant of licences or permissions;

(*q*) any other matters for which there is no provision or sufficient provision in this Act and for which provision is, in the opinion of the Government, necessary for giving effect to the purposes of the Act.

(3) In making a rule under this section the Government may provide that a person guilty of breach thereof shall, on conviction, be punished with fine which may extend to five hundred rupees and where the breach is a continuing one with further fine which may extend to twenty-five rupees for every day on and after the first on which the breach continues.

211. *Power of Taluk Board to make regulations.*—(1) A Taluk Board may subject to the provisions of this Act and the rules made under section 210 and with the previous sanction of the Government by notification make regulations,—

(*a*) for the general or special regulation, inspection and control of (i) musafirkhanas, travellers' bungalows, rest houses, cart-stands and bus-stands; (ii) markets, slaughter-houses, hotels, bakeries, sweetmeat shops and all other places used for sale of articles intended for human food or drink; (iii) all places used for sale or hire of animals or at which the produce of animals is sold; (iv) all places used for the purposes specified in Schedule II, and

(*b*) for regulating the conduct of business in any of the places specified in clause (a) so as to secure cleanliness therein and the wholesomeness of the articles prepared, kept or sold or to minimise any injurious, offensive or dangerous effects arising or likely to arise at such places;

(*c*) (i) for regulating all matters connected with sanitation;

(ii) for empowering the Chief Executive Officer or any person authorised by the Board to enter upon and to inspect any building or land and to require that it shall be kept in a sanitary condition;

d) (i) for regulating the use of and the prevention of nuisance in regard to public water-supply, bathing and washing places, streams, channels, tanks and wells;

(ii) for requiring private sources of water-supply used by the public or any section of the public to be kept in good repair, improved or protected from pollution and for payment from the Taluk Board Fund of a portion or the whole of the expenses incurred for the purposes ;

(iii) for setting apart, with the consent of the owner in the case of private sources of water-supply, and of the Government in the case of those under the control of the Government, for a specified purpose, springs, tanks, wells, water sources and other places, and prohibiting their use for any other purpose ;

(*e*) (i) for prevention of nuisance affecting the health, safety or convenience of the public ;

(ii) for requiring that any pool, ditch, tank, pond, well, hole, or any waste or stagnant water, any channel or receptacle or foul water or other offensive or injurious matter which is likely to prove injurious to the health of the inhabitants or offensive to the neighbour hood, be cleansed, filled up, drained off removed or proper measures be taken to abate or remove the nuisance ;

(*f*) (i) for prevention and spread of dangerous diseases ;

(ii) for prohibiting the use of any source of water supply whether private or public, during epidemics ;

(iii) providing for the inspection of persons travelling by railways or otherwise and the segregation in a hospital or any other place set apart for the purpose, of persons suspected to be suffering from any infectious disease, or for such other measures as may be deemed necessary to prevent the outbreak of such disease or the spread thereof ;

(iv) for empowering the Chief Executive Officer or any person duly appointed by the Board to enter any building or premises in which any infectious disease is reported or suspected to exist, to require the owner or occupier of such building or premises to cleanse or disinfect the same or, where immediate action is necessary, to have such building or premises cleansed or disinfected and to recover the whole or any part of the expenses so incurred from

such owner or occupier or to remit the same in deserving cases;

(v) for requiring that articles of clothing or bedding or other articles exposed to infection from infectious diseases be washed or disinfected at places notified by the Taluk Board; and for destroying such articles as are likely to retain infection;

(*g*) for regulating the use of public roads; for the temporary occupation or use of public roads and land vested in the Board; and for securing cleanliness, safety and order in respect of the same;

(*h*) for defining the conditions on or subject to which and the circumstances in which and the areas or localities in respect of which any licence or permission under this Act may be granted, refused, suspended or withdrawn and fixing the fees payable in respect of such licence or permission and the rents, fees and other charges to be levied for the use of any of the places specified in clause (*a*) or other property belonging to the Taluk Board;

(2) In making a regulation under this section the Taluk Board may provide that a person guilty of breach thereof shall, on conviction, be punished with fine which may extend to fifty rupees and where the breach is a continuing one, with further fine which may extend to ten rupees for every day on and after the first during which the breach continues.

(3) All regulations made under this section shall be subject to the condition of previous publication and such publication shall be in the official gazette and such other manner as may be prescribed.

212. *Power of Panchayats to make bye-laws.*—(1) The Panchayat may, subject to the provisions of this Act and the rules made under section 210 and with the previous sanction of the Deputy Commissioner make bye-laws for the following purposes, namely:—

(*a*) for the purification and protection from pollution of all sources of water used for drinking purposes;

(*b*) for the prohibition of the removal or use for drinking purposes of any water from any stream, tank, well or other source, where such removal or use causes or is likely to cause, disease or injury to health and the prevention of such removal or use by the filling in or covering over of such tank or well, or by any other method which may be considered advisable;

(*c*) for the prohibition of the deposit or storage of manure, refuse or other offensive matter in a manner or in places prejudical to the public health, comfort or convenience;

(*d*) for the regulation of dangerous or offensive callings or trades;

(*e*) for the disposal of corpses by burning or burial;

(*f*) for the excavation of earth and the filling up of excavations and depressions injurious to health or offensive to the neighbourhood;

(*g*) for the removal of noxious vegetation;

(*h*) for the repair and removal of dangerous or ruinous buildings;

(*i*) for the prevention of the erection of buildings without adequate provision for ventilation, or the laying out and location of streets;

(*j*) for the control of fairs and bazaars, and the regulation of markets, slaughter-houses and cart stands;

(*k*) for the inspection and destruction of unfit food and drink exposed for sale;

(*l*) for the general regulation of sanitation and conservancy;

[1][(*ll*) for determining the rates of octroi, taxes and fees under sub-sections (3) and (4) of section 73.]

(*m*) for the supervision of labours employed by local authorities, and of repairs to dharmashalas;

(*n*) the management and maintenance of cattle pounds;

(*o*) execution of works entrusted by the Taluk Board; and

(*p*) performance of other duties assigned by the Government.

(2) In making a bye law under this section the Panchayat may provide that a person guilty of breach thereof shall, on conviction, be punished with fine which may extend to twenty rupees and where the breach is a continuing one with further fine which may extend to one rupee for every day after the first during which the breach continues.

(3) All bye-laws made under this section shall be subject to the condition of previous publication and such publication shall be in such manner as may be prescribed.

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1. Inserted by Act 26 of 1961.

213. *Penalty for acting as member, Chairman or Vice-Chairman of a Panchayat or as a member, President, or Vice-President of a Taluk Board when disqualified.*—(1) Whoever acts as a member of a Panchayat or Taluk Board knowing that, under this Act or the rules made thereunder, he is not entitled to or has ceased to be entitled to hold office as such, shall, on conviction, be punished with fine of fifty rupees for every day on which he sits or votes as a member.

(2) Whoever acts as the Chairman or Vice-Chairman of a Panchayat or as President or Vice-President of a Taluk Board or exercises any of his functions knowing that under this Act or the rules made thereunder, he is not entitled to or has ceased to be entitled to hold office as such, or to exercise such functions shall, on conviction, be punished with fine of two hundred rupees for every day on which he acts or functions as such.

(3) Any person who having been the Chairman or Vice' Chairman of a Panchayat or President or Vice-President of a Taluk Board fails to hand over any documents of, or any moneys or other properties vested in or belonging to the Panchayat or the Taluk Board, as the case may be, which are in or have come into his possession or control, to his successor in office or other prescribed authority—

(*a*) in every case as soon as his term of office as such Chairman, Vice-Chairman, President or Vice-President expires ; and

(*b*) in the case of a person who was the Vice-Chairman or Vice-President on demand by the Chairman or President, as the case may be,

shall, on conviction, be punished with fine which may extend to one thousand rupees.

214. *Penalty for interested member voting.*—Whoever votes as a member of a Panchayat or Taluk Board in contravention of the provisions of sub-section (4) of section 37, or clause (*g*) of sub-section (2) of section 117, shall, on conviction, be punished with fine which may extend to five hundred rupees.

215. *Penalty for acquisition by on officer or servant of interest in contract.*—If any officer or servant of a Panchayat or Taluk Board knowingly acquires, for himself directly or indirectly, by himself or by a partner, employer or servant, any share or interest in any contract or employment with, by or on behalf of, the Panchayat or Taluk Board he shall, on conviction, be punished with fine which may extend to five hundred rupees.

Provided that no person shall, by reason of being a shareholder, in or member of, any company, be held to be interested in any contract entered into between such company and the Panchayat or Taluk Board unless he is a director of such company:

Provided further that nothing in this section shall apply to any person who, with the sanction of the Commissioner, enters into a contract with the Panchayat or Taluk Board.

216. *Wrongful obstruction of certain officers or their delegates.*—Any person who prevents the Secretary of a Panchayat or the Chief Executive Officer of a Taluk Board or any person to whom such officer has lawfully delegated his powers of entering on or into any place, building or land, from exercising his lawful power of entering thereon or therein shall on conviction, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees or with both.

217. *Prohibition against obstruction of Chairman, Presidnent, etc.*—Any person obstructing or molesting a Chairman, Vice-Chairman, Secretary or member of a Panchayat or a President, Vice-President, Chief Executive Officer or member of a Taluk Board, or any person employed by the Panchayat or Taluk Board or any person with whom a contract has been entered into by or on behalf of the Panchayat or Board in the discharge of their duty or of anything which they are empowered or required to do by virtue, or in consequence, of this Act or of any rule, bye-law, regulation or order made thereunder shall on conviction be punished with fine which may extend to one hundred rupees.

218. *Prohibition against removal or obliteration of notice.*—Any person who, without authority in that behalf, removes, destroys defaces or otherwise obliterates any notice exhibited or any sign or mark erected by, or under the orders of, a Panchayat or Taluk Board or its executive authority, shall, on conviction, be punished with fine which may extend to fifty rupees.

219. *Penalty for not giving information or giving false information.*—Any person required by this Act or by any notice or other proceedings issued thereunder to furnish any information, who omits to furnish such information or knowingly furnishes false information, shall, on conviction, be punished with fine which may extend to one hundred rupees.

220. *Bidding prohibited.*—(1) No member of a Panchayat or of a Taluk Board, employee of a Panchayat or of a Taluk Board or

any officer having any duty to perform in connection with the sale of moveable or immoveable property under this Act shall directly or indirectly bid for or acquire interest in any property sold at such sale.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to five hundred rupees, and if he is an officer or employee of the Panchayat or Taluk Board shall also be liable to dismissal from service.

CHAPTER XIV

MISCELLANEOUS

221. *Mysore Local Government Service.*—(1) Notwithstanding anything contained in any law for the time being in force, such posts under any [1][Panchayat or Taluk Board] as may be specified by the Government shall be filled by appointment of officers belonging to the Mysore Local Government Service.

(2) A Taluk Board may, if it deems necessary, by a resolution passed by two-thirds of the total number of members of the Board recommended to the Commissioner the taking of such disciplinary action as may be necessary against any officer belonging to the said service in respect of any misconduct by him while in the service of the Board.

222. *Execution of public works.*—All public works to be executed by a Panchayat or Taluk Board shall be carried out by the Panchayat or Taluk Board concerned:

Provided that where a Panchayat or Taluk Board so requests, the execution of any work may be carried out by the Public Works Department of Government and the expenditure on such work shall be paid by the Panchayat or Taluk Board concerned in such manner as may be prescribed.

223. *Local Government Establishment Fund.*—(1) There shall be constituted by Government a Local Government Establishment Fund to meet the expenditure in respect of salaries, allowances, pensions, provident fund, gratuities and other necessary expenses payable to the officers of the Mysore Local Government Service.

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1. Substituted by Act 22 of 1964.

(2) Notwithstanding anything contained in any law every [1][Panchayat or Taluk Board] shall contribute such percentage of its revenues to the Local Government Establishment Fund in such manner and at such times as the Government may by order determine.

(3) If the [1][Panchayat or Taluk Board] fails to pay the amount required to be paid under sub-section (2), the Commissioner or the Deputy Commissioner may direct the officer in custody of the funds of the [1][Panchayat or Taluk Bord] to pay such amount or so much thereof as is possible from the balance of such funds in his hands.

224. *Acquisition of land.*—Where any land is required for the purpose of this Act, the Government may, at the request of a Panchayat or Taluk Board, proceed to acquire it under the provisions of the Land Acquisition Act, and on payment by the Panchayat or the Taluk Board of the compensation awarded under that Act, and the charges incurred by the Government in connection with the proceedings, the land shall vest in the Panchayat or the Taluk Board, as the case may be.

225. *Application of term "public servant" to members of Panchayats and Taluk Boards and their officers and servants.*—Every member of a Panchayat or Taluk Board or Town Area Committee and every officer and servant employed under a Panchayat, Taluk Board or Town Area Committee shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code and the Prevention of Corruption Act, 1947 (Central Act II of 1947), for the time being in force.

226. *Fines to be credited to Panchayat and Taluk Board Funds.*—(1) All fines imposed by a Magistrate for any offence under this Act or under any rule or bye-law made thereunder in any prosecution instituted by or on behalf of a Panchayat shall be credited to the Panchayat Fund of such Panchayat.

(2) All fines imposed by a Magistrate for any offence under this Act or under any rule or regulation made thereunder in any prosecution instituted by or on behalf of a Taluk Board shall be credited to the Taluk Board Fund of such Taluk Board.

227. *Taking over of institutions managed by District Boards and Panchayats.*—Where immediately before the commencement of this Act a District Board or a Panchayat was managing any institu-

1. Substituted by Act 22 of 1964.

tion imparting Primary or Secondary education it shall be competent for the Government to vest the management of and the assets and liabilities pertaining to such institution in a School Board or other authority, as the Government may deem fit.

228. *Damage to any Panchayat or Taluk Board property how made good.*—If through any act, neglect or default on acount of which any person shall have incurred penalty imposed by or under this Act and any damage to the property of any Panchayat or Taluk Board shall have been caused by such person, he shall be liable to make good such damage as well as to pay such penalty, and the value of the damage shall, in case of dispute, be determined by the Magistrate by whom the person incurring such penalty is convicted, and on non-payment of such value on demand the same shall be levied by distress, and such Magistrate shall issue a warrant accordingly.

229. *Restrictions with respect to institution of suits against Panchayats and Taluk Boards, etc.*—(1) No suit for damages or compensation shall be instituted against any Panchayat or Taluk Board or any of its officers, or any person acting under its direction, for anything done or purporting to be done under this Act or any rule, bye-law, regulation or order made thereunder until the expiration of two months next after notice in writing, shall have been delivered or left at the office of the Panchayat or Taluk Board or at the place of abode of such officer or person; such notice shall state the cause of action, the relief sought, the amount of compensation, if any, claimed and the name and the place of abode of the intending plaintiff.

(2) Every such suit shall, unless it is an action for the recovery of immoveable property or for a declaration of title thereto be commenced within six months next after the date on which the cause of action arose or in case of a continuing injury or damage during such continuance or within six months after the ceasing thereof.

(3) If any person to whom any notice is given under subsection (1) tenders amount to the plaintiff before the suit is instituted and if the plaintiff does not recover in any such action more than the amount so tendered, he shall not recover any costs incurred after such tender and the defendant shall be entitled to costs as from the date of tender.

(4) When the defendant in any suit is a member, officer or servant of the Panchayat or Taluk Board or any person acting under its direction, the Deputy Commissioner shall determine

whether defence should be undertaken by the Panchayat or Taluk Board and be paid for out of its fund.

(5) Nothing in this section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1877 (Central Act I of 1877).

230. *Government not to obtain licences and permissions.*—Nothing in this Act or in any rule, bye-law or regulation made thereunder shall be construed as requiring the taking out of any licence or the obtaining of any permission under this Act or any such rule, bye-law or regulation in respect of any place in the occupation or under the control of the Central or the State Government or in respect of any property of the Central Government or of the State Government.

231. *Injunctions not to be granted in election proceedings.*—Notwithstanding anything contained in any law for the time being in force, no Court shall grant any permanent or temporary injunction or make any *interim* order restraining any proceeding which is being or about to be taken under this Act for the conduct of any election under this Act.

232. *Bar of suits, etc.*—(1) No Civil Court shall entertain a suit objecting to an assessment, demand or charge made or impose under this Act, or for the recovery of any sum of money collected under the authority of this Act, or for damages on account of any assessment or collection of money under the said authority, if the provisions of this Act have been in substance and effect complied with.

(2) No suit or other legal proceeding shall lie against the Government, the Commissioner, Deputy Commissioner, Assistant Commissioner, Tahsildar or any other officer of Government or a Panchayat or Taluk Board or any member, officer, servant or agent of such Panchayat or Taluk Board acting under its direction, in respect of anything done or purporting to have been done lawfully and in good faith under this Act or any rule, bye-law, regulation or order made thereunder.

233. *Jurisdiction of Magistrate.*—Any prosecution under this Act or under any rule, regulation or bye-law thereunder may, save as therein otherwise provided, be instituted before any Magistrate, and every fine or penalty imposed under or by virtue of this Act or any rule, regulation or bye-law thereunder, and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Act, may be recovered on application

to such Magistrate, by the distress and sale of any moveable property within the limits of his jurisdiction belonging to the person from whom the money is claimed.

234. *Alternative procedure by suit.*—In *lieu of* any process of recovery allowed by or under this Act or in case of failure to realise by such process the whole or any part of any amount recoverable under the provisions of Chapters IV and IX or of any compensation, expenses, charges or damages awarded under this Act, the Panchayat or Taluk Board may sue in any Court of competent jurisdiction the person liable to pay the same, as also any other person who may have in any way caused any injury to any property, rights or privileges of the Panchayat or Taluk Board.

235. *Punishment for offence under this Act and powers to compound.*—(1) Whoever, in any area within the jurisdiction of a Panchayat or Taluk Board;

(*a*) erects, alters, adds to or reconstructs a building without the written permission required by section 53 or in contravention of any of the condition imposed by it;

(*b*) uses any place without a licence required by section 56, 57 or 143 or in contravention of any of the conditions, or during the suspension, of the licence; or

(*c*) contravenes any other provision of this Act,

shall on conviction be punished with fine which may extend to five hundred rupees, and in the case of a continuing offence with a further fine which may extend to five rupees for every day after the first conviction during which the offence continues.

(2) Upon a conviction under clause (b) of sub-section (1) in respect of any place, the Magistrate shall, on the application of the Panchayat or Taluk Board, as the case may be, but not otherwise, order such place to be closed, and thereupon appoint such persons or take such other steps to prevent such place being so used; and every person who so uses or permits the use of a place after it has been ordered to be closed, shall be punished with fine which may extend to five rupees for each day during which he continues so to use or permits such use of, the place after it has been so order to be closed.

(3) (*a*) A Panchayat or Taluk Board or such officer as the Commissioner may authorise may accept by way of composition a sum of money not exceeding five hundred rupees from any person

who, in the opinion of the Panchayat or Taluk Board or the autho rised officer, as the case may be, has committed—

(i) any of the aforesaid offences referred to in sub-section (1) or

(ii) any other offence under this Act or under any rule, regulation or bye-law made thereunder which may by notification be declared by the Government as compoundable;

and on such composition no proceeding shall be taken against such person in respect of such offence.

(*b*) On the composition of any offence under clause (*a*) if proceedings in any Criminal Court have been instituted against the person concerned in respect of the offence the composition shall be deemed to amount to an acquittal and no further proceedings shall be taken against such person in respect of such offence.

236. *Powers of Police Officers.*—(1) Any police officer may arrest any person committing in his presence any offence against any of the provisions of this Act or of any rule, regulation or bye-law thereunder, if the name and address of such person be not known to him, and if he declines to give his name and address, or if the police officer has reason to doubt the accuracy of such name and address if given, and such person may be detained at the station house until his name and address shall be correctly ascertained.

(2) Any person arrested under sub-section (1) shall be informed as soon as may be of the grounds for such arrest and shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate and no such person shall be detained in custody beyond the said period without the authority of a Magistrate.

(3) It shall also be the duty of all police officers to give immediate information to the Chairman or Secretary of the Panchayat or President or an officer of the Taluk Board of the commission of any offence against the provisions of this Act or of any rule, regulation or bye-law thereunder and to assist all officers and servants of the Panchayat or Taluk Board in the exercise of their lawful authority.

237. *Annual Administration Report.*—As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Commissioner, the President shall place before the Taluk Board a report on the administration of the Board during the preceding official year in such form and with such details, as the

Government may direct and shall forward the report with the resolution of the Taluk Board thereon to the District Council, not later than such date as the Commissioner may fix.

238. *Powers and duties of Panchayats not validly constituted to be performed by person appointed by Government.*—(1) Notwithstanding anything contained in this Act, or rules made thereunder, if at any time it shall appear to the Government that a Panchayat has not been validly constituted under this Act, the Government may, by notification, cause all or any of the powers and duties of the Panchayat to be exercised and performed by such person in such manner and for such period and subject to such conditions, as it may think fit.

(2) All the powers and duties of the Panchayat exercised and performed *bona fide* till the date of the notification referred to in sub-section (1), by the persons who constituted such Panchayat shall be deemed to be and always to have been validly exercised and performed by the said persons; and no acts done by the said persons shall be deemed to be invalid or called in question on the ground merely that they were not members of a validly constituted Panchayat and the said persons shall be deemed to have been indemnified and discharged from liability in respect of such acts.

239. *Power of Government to dissolve and reconstitute Taluk Boards on the alteration of limts of taluks.*—(1) When, on account of the constitution of a new taluk, or for any other reason, the limits of a taluk, are during the term of office of the members of the Taluk Board, altered, the Government may, by order published in the official gazette, dissolve such Taluk Board from a date specified in the order and direct that a Taluk Board—

(i) be reconstituted for the taluk of which the Taluk Board has been dissolved; or

(ii) be established for a new taluk which has been constituted.

(2) The members of the Taluk Board which has been dissolved under sub-section (1) shall vacate their office from the date specified in the order of the Government.

(3) The Taluk Board reconstituted or established under the provisions of sub-section (1), shall consist of members nominated by the Government and such members shall, as far as may be practicable, be persons who are members of the Taluk Board which has been dissolved under sub-section (1).

(4) The President and the Vice-President of the Taluk Board shall be elected in the manner provided in this Act.

(5) The term of the Taluk Board so reconstituted or established shall be for such period, not exceeding one year, as the Government shall, by order in writing specify.

(6) On the expiry of the term of a Taluk Board in accordance with the provisions of sub-section (5), a Taluk Board shall be constituted in the manner provided by this Act.

(7) When a Taluk Board has been dissolved and reconstituted or established under this section, so much of the Taluk Board Fund and other property vesting in the Taluk Board which has been dissolved shall vest in and such portion of the debts and obligations shall be transferred to the Taluk Board reconstituted or established under this section, as the Government may by order in writing direct.

(8) The rights and liabilities of the Taluk Board which has been dissolved in respect of civil and criminal proceedings, contracts, agreements and other matters or things arising in and relating to any part of the order, subject to the authority of the Taluk Board reconstituted or established, shall vest in such Taluk Board.

(9) Any appointment, notification, notice, tax, order, scheme, licence, permission, rule, regulation, or form made, issued, imposed or granted by the Taluk Board which has been dissolved in respect of any part of the area subject to the authority of the Taluk Board which has been reconstituted or established, shall be deemed to have been made, issued, imposed, or granted by such Taluk Board, unless and until it is superseded by any appointment, notification, notice tax, order, scheme, licence, permission, rule, regulation or form made issued, imposed or granted by such Taluk Board.

(10) If any difficulty arises in giving effect to the provision of the preceding sub-section, the Government may by order published in the official gazette, as the occasion may require, do anything which appears to it to be necessary to remove the difficulty.

240. *Method of serving notices, etc.*—(1) Save as otherwise provided in this Act, the service of any notice or other document under this Act or under any rule, regulation, bye-law or order made there under on any person to whom it is by name addressed shall be effected—

(*a*) by giving or tendering the said notice or document to such person ; or

(*b*) if such person is not found by leaving such notice or document at his last known place of residence or business, or by giving or tendering the same to some adult male member or servant of his family ; or

(c) if such person does not reside in the village or town and his address elsewhere is known to the officer directing the issue of such notice or document by sending the same to him by registered post ; or

(d) if none of the means aforesaid be available, by affixing such notice or document upon some conspicuous part of the house, if any, in which the person is known to have last resided or carried on business or personally worked for gain.

(2) When any notice or other document has to be served upon an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof in cases not otherwise specially provided for in this Act, shall be effected either—

(a) by giving or tendering the notice or document to the owner or occupier or if there be more owners or occupiers than one, to any one of them ; or

(b) if no such owner or occupier be found, then by giving or tendering the notice or document to some adult male member or servant of the family of any such owner or occupier as aforesaid ; or

(c) if none of the means aforesaid be available, then by causing the notice or document to be affixed upon some conspicuous part of the building or land to which the same relates.

(3) Every notice which this Act requires or empowers a Panchayat or Taluk Board to give or to serve either as a public notice, or generally, or by provisions, which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the Panchayat or Taluk Board Office during such period and in such other public buildings and places, or is published in such local papers or in such other manner as the Panchayat or Taluk Board may in this behalf direct.

(4) No notice or bill shall be invalid for defect of form.

(5) Whenever in any notice or other document served under this Act or the rules, regulations, bye-laws or orders made thereunder, a period is fixed within which any tax or other sum is to be paid or any work executed, or anything provided, such period shall, in the absence of any provision to the contrary in this Act or the said rules, regulations, bye-laws or orders thereunder, be calculated from the date of such service.

(6) When any notice under this Act, or any rule, regulation bye-law or order requiries may act to be done for which no time is fixed the notice shall fix a reasonable time for doing the same.

(7) In the event of non-compliance with the terms of the notice it shall be lawful for the Panchayat or the Taluk Board or an officer authorised by it to take such action or such steps as may be necessary for the doing of the act thereby required to be done, and all the expenses therein incurred by the Panchayat or Taluk Board shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner provided in section 77 or 185.

241. *Transitory Provisions.*—(1) Notwithstanding anything contained in this Act,

(i) it shall be lawful for the Government—

(*a*) to specify by notification the date on which the term of office of the members of the bodies functioning as the District Boards of the districts, immediately before the commencement of this Act, shall expire; and

(*b*) to appoint with effect from the date specified under sub-clause (*a*), a Special Officer, by notification in respect of each taluk to exercise the powers, discharge the duties and perform the functions of a Taluk Board and its President under this Act until the constitution of a Taluk Board in accordance with the provisions of this Act;

(ii) the Government may, if it considers necessary, constitute a committee, consisting of such persons as the Government may nominate, to advice the Special Officer appointed under sub-clause (*b*) of clause (i) in the discharge of his duties.

(2) Notwithstanding anything contained in this Act,—

(*a*) the Panchayats constituted either for a single revenue village or a group of revenue villages with a population of less than one thousand and five hundred shall stand dissolved with effect from the commencement of this Act and the Commissioner shall notify as soon as may be after the passing of this Act, the names of the Panchayats which will stand dissolved. On such dissolution, the property, rights and liabilities of each such Panchayat shall vest in the Government;

Explanation.—In this sub-clause "Panchayat" means a Panchayat constituted under any of the Acts repealed by section 242.

(*b*) until the constitution of a Panchayat in accordance with the provisions of this Act the body functioning as the Panchayat in a revenue village or group of revenue villages with a population of not less than one thousand and five hundred immediately before the commencement of this Act shall exercise the powers and perform the duties conferred by the provisions of this Act on a Panchayat;

(*c*) casual vacancies in the seats of the members of the Panchayat functioning under clause (*b*) shall be filled and all matters in connection with the filling up of such vacancies shall be regulated in accordance with the provisions governing the filling of such vacancies and regulating such matters in force immediately before the commencement of this Act subject to such modifications in such provisions as the Government may by notifications make in such rules;

(*d*) the term of office of the members referred to in clause (*b*) shall extend to or expire on as the case may be such date as the Government may by notification appoint, and the Government shall cause elections of members to be held so that the newly elected members may come into office on the date fixed for the retirement of old members.

242. *Repeal and savings*.—(1) The Mysore Village Panchayats and District Boards Act, 1952 (Mysore Act IV of 1952), the Bombay Village Panchayats Act, 1933 (Bombay Act VI of 1933) other than Chapters VI, VII and VIII thereof, the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), other than section 132 thereof, the Hyderabad Gram Panchayats Act, 1956 (Hyderabad Act XVII of 1956), the Coorg Panchayats Raj Act, 1956 (Coorg Act IV of 1956), the Bombay Local Boards Act, 1923 (Bombay Act VI of 1923), the Madras District Boards Act, 1920 (Madras Act XIV of 1920), the Hyderabad District Boards Act, 1956 (Hyderabad Act I of 1956) and the Bombay Village Sanitation Act of 1889 (Bombay Act I of 1889) are hereby repealed:

Provided that such repeal shall not affect—

(*a*) the previous operation of the said enactments or anything duly done or suffered thereunder; or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under the said enactments; or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said enactments, or

(*d*) any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, forfeiture or punishment as aforesaid ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed :

Provided further that—

(*a*) subject to the preceding proviso, anything done or any action taken (including any appointment or delegation made, tax, fee or cess imposed, notification, order, instrument or direction issued, rule, regulation, form, bye-law or scheme framed, certificate obtained, permit or licence granted or registration effected) under the said Acts shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Act :

(*b*) every officer or servant in the employ of a District Board immediately before the date of commencement of this Act shall be absorbed in the service of a Taluk Board or of the Government, as may be determined by the Government, and shall, until other provision is made, receive the salaries and allowances and be subject to the conditions of service to which he was entitled or subject on such date :

(*c*) it shall be competent to the Taluk Board subject to the previous sanction of the Government to discontinue he services of any officer or servant who, in its opinion, is not necessary or suitable to the requirements of the Taluk Board service after giving such notice as is required to be given by the terms of his employment and every officer or servant whose services are discontinued, shall be entitled to such leave, pension, provident fund and gratuity as he would have been entitled to take or receive on being invalided out of service as if the District Board in the employ of which he was, had not ceased to exist ;

(*d*) all assets and liabilities of, and all contracts made by or on behalf of, a District Board before the date of commencement of this Act and subsisting on that day shall stand transferred to such Taluk Boards or other authorities in accordance with such orders as the Government may make in this behalf ;

(*e*) where a District Board has established a provident fund or superannuation fund or any other like fund for the benefit of the employees of the District Board, the moneys standing to the credit of any such fund on the date of commencement of this Act together with any other assets belonging to such fund shal stand transferred to any vest in the Government and the Government shall be liable to discharge the obligations of the District Board in respect of such fund ;

(*f*) all assets and liabilities of, and all contracts made by or on behalf of a panchayat established under any of the repeled enactments and continued under clause (*b*) of sub-section (2) of section 241 shall, subject to such conditions as may be specified by the Government devolve on the panchayat continued under the said clause ;

(*g*) the modifications of the Madras Village Courts Act, 1888 (Madras Act I of 1888) made by section 132 of the Madras Village Panchayats Act, 1950, shall continue to be applicable to panchayats constituted or continued in the Madras Area and Bellary District provided that the references therein to the President and the Vice-President of a Panchayat shall be construed as references to the Chairman and Vice-Chairman of a Panchayat ;

(*h*) the provisions of Chapters VI, VII and VIII of the Bombay Village Panchayats Act 1933, shall continue to be in force in the Bombay Area and any provision enacted in this Act, corresponding to any provision of the Bombay Village Panchayats Act, 1933, containing a reference to Nyaya Panchayat, shall be read as if such a reference to a Nyaya Panchayat had been made in the said provision enacted in this Act ;

(*i*) any reference in any enactment or in any instrument to any provision of any of the repealed enactments shall, unless a different intention appears, be construed as a reference to the corresponding provision of this Act.

(2) Section 5 of the Madras Revenue (Additional Surcharge) Act, 1955 (Madras Act XXX of 1955), as in force in the Madras area is hereby repealed.

243. *Amendment of Bombay Act LXI of* 1947.—in the Bombay Primary Education Act, 1947,

(1) in section 4, after sub-section (15), the following sub-section shall be inserted namely :—

"(16) Notwithstanding anything contained in this Act, with effect from the date of commencement of the Mysore Vllage Panchayats and Local Boards Act, 1959,—

(*a*) casual vacancies in the seats of members of the said body elected by a District Local Board shall be filled by appointments made by the State Government, and on the expiry of the term of office of such members, all members of the District School Board shall be appointed by the State Government ;

(*b*) the references to the District Local Board in this Act shall, with necessary modifications, and subject to the provisions of clause(*a*), be construed as references to the State Government ".

(2) for sub-section (1) of section 41, the following sub-section shall be substituted, namely :—

"(1) The Government shall levy an education cess at a rate of seven naye paise in the rupee on all items of land revenue and on the water rate leviable under any law for the time being in force. The levy and collection of the education cess shall be made in such manner as may be prescribed and the Government shall pay over annually to the District School Board for the purposes of primary education, the education cess collected in the area within the jurisdiction of the District School Board."

244. *Amendment of Coorg Act VIII of* 1954.—(1) In the Coorg Land Cess and Taxes Act, 1954,—

(*a*) in section 4, for the words "six annas", the words "twenty-five naye paise" shall be substituted ;

(*b*) sections 6, 7 and 8 shall be omitted ;

(*c*) in section 9, for the words and figures "sections 4, 6, 7 and 8", the word and figure "section 4" shall be substituted ;

(*d*) in section 10, the words and figures "or of the tax levied under sections 6, 7 and 8" shall be omitted ;

(*e*) in sub-section (2) of section 14, clause (*e*) shall be omitted ;

(*f*) in section 15, for the letters, brackets and word "(*e*) and (*f*)", the word, brackets and letter "and (*f*)" shall be substituted.

(2) In respect of the amendments made by sub-section (1), the provisions of section 6 of the Mysore General Clauses Act, 1899 (Mysore Act III of 1899) shall be applicable

245. *Orders for bringing this Act into force.*—(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, the Government may by order published in the official gazette make such provision as appears to it to be necessary or expedient—

(*a*) for bringing the provisions of this Act into effective operation;

(*b*) for making omissions from, additions to and adaptations and modifications of the rules, regulations, bye-laws, notifications and orders referred to in clause(*a*) of the second proviso to section 242 in their application to the local authorities established under this Act;

(*c*) for removing difficulties arising in connection with the transaction to the provisions of this Act including difficulties in the construing of references to District Boards or other authorities in any law;

(*d*) for authorising the continued carrying on for the time being on behalf of the local authorities of services and activities previously carried on by any of the local authorities; and

(*e*) so far as it appears necessary or expedient in connection with any of the matters aforesaid for varying the powers or jurisdiction of any court or authority and empowering new courts or other authorities to exercise such jurisdiction as may be specified in such order.

(2) The provisions made by any order under sub-section (1) shall subject to the provision of section 246, have effect as if enacted in this Act, and any such order may be made so as to be retrospective to any date not earlier than the date of commencement of this Act:

Provided that no person shall be deemed to be guilty of an offence by reason of so much of any such order as makes any provision thereof retrospective to any date before the making thereof.

246. *Certain rules and orders to be laid before the Houses of the State Legislature.*—Every rule made under section 210 and every order made under section 245 shall be laid, as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more sessions, and if before the expiry of the said period, either House of the State Legislature makes any modification in any rule or order or directs that any rule or order shall not have effect, and if the modification or direction is agreed to by the other House, such rule or order shall thereafter have effect only in such modified form or be of no effect, as the case may be.

SCHEDULE

(Section 73.)

A. Tax on property—		*Maximum rate of tax*
1. Tax on buildings	.. ..	8 per cent of the annual letting value (per annum).

Explanation.—"annual letting value" means the annual rent for which any building or land, exclusive of furniture or machinery contained or situated therein or thereon, might reasonably be expected to be let from year to year.

2. Tax on lands not subject to agricultural assessment.	.. ..	For every one hundred sq. yds. one rupee per annum.

B. Tax on professions, trades, callings and employments—

Class I—	Yearly Rs.
Every person holding any office or appointment, public or private or employed in any capacity, whose pay, salary or pension amounts to one thousand rupees a month or upwards and every person falling under any of the following denominations whose income is estimated to amount to one thousand rupees a month or upwards :—	
(i) carrying on business as a company ;	
(ii) abkari renters, whole sale and retail traders, and manufacturers of every kind, contractors, auctioneers and commission agents ;	
(iii) bankers, money-lenders, money-changers and pawn-brokers ;	
(iv) editors and proprietors of newspapers ;	
(v) brokers and dealers in securities, shares or bills of exchange ;	
(vi) practising barristers, advocates, High Court vakils, solicitors, attorneys, pleaders, and law agents ;	Rs. 50
(vii) practising medical practitioners of all kinds including hakims and vaidyas ;	
(viii) dentists and veterinary surgeons ;	
(ix) architects and civil engineers ;	
(x) owners and farmers of markets ;	
(xi) keepers of hotels, lodging houses, or boarding houses ;	
(xii) builders and surveyors ;	
(xiii) owners of mills, warehouses, printing presses, oil presses, cotton presses and other presses and factories of all kinds ;	
(xiv) professional artists, photographers, actors and owners or managers of circuses or theatrical companies, musicians and dancers ;	
(xv) dealers in animals or vehicles, and owners, or keepers of livery stables or hackney carriages ;	
(xvi) artisans.	

	Yearly Rs.
Class II—	
Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount, to five hundred rupees a month or upwards.	25
Class III—	
Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to to three hundred rupees a month or upward.	12
Class IV—	
Every person described in class I whose pay, salary or pension amounts, or whose income is estimaetd to amount to two hundred rupees a month or upwards.	8
Class V—	
Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to one hundred rupees a month or upwards.	4
Class VI—	
Every person described in class I whose pay, salary or pension amounts, or whose income is estimaetd to amount to fifty rupees a month or upwards.	2
Class VII—	
Every person described in class I whose pay, salary or pension amounts or whose income is estimated to amount to thirty rupees a month or upwards.	1
B. Tax on places of trade or business.—	
(*a*) Trades or businesses carried on with the aid of machinery driven by electrical energy.	50
(*b*) Other trades or businesses ..	25
C. Vehicle Tax.—	
For every four-wheeled vehicle with springs constructed to be drawn by two or more horses.	20
For every four-wheeled vehicle with springs constructed to be drawn by a horse, bull or bullock, or by two or more horses under thirteen hands, bulls or bullocks.	10
For every two-wheeled vehicle with springs constructed to be drawn by one or more horses, bulls or bullocks.	6
For every other vehicle with springs ..	6
For every cart or other vehicle without springs ..	4
For every bicycle or tricycle ..	3
D. Tax on fair, festival and entertainment ..	Rs. 20 per fair, festival or entertainment.
E. Octroi ..	Rs. 3 per-cent *advalorem*.
F. Fee on bus stands ..	25 nP. per bus.

SCHEDULE II.

(PURPOSES FOR WHICH PLACES MAY NOT UNDER SECTION 143 BE USED WITHOUT A LICENCE.)

Aerated waters,—Manufacturing.

Ammunition.—Storing, packing, pressing, cleaning, preparing or manufacturing by any process whatever.

Article made of flour.—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Ashes.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dumping or shifting.

Biscuits.—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Blood.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Bones.—Storing, packing, cleansing, preparing or manufacturing by any process whatever.

Bread.—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Bricks.—Manufacturing.

Camphor.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or boiling.

Candles.—Packing, pressi ng,cleaning, preparing or manufacturing by any process whatever.

Carpets.—Manufacturing.

Catgut.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Cement.—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Charcoal.—Dumping, sifting, selling or storing.

Chemical preparations.—Storing, packing, cleansing, pressing, preparing or manufacturing by any process whatever.

Chillies.—Grinding by machinery.

Chlorate mixture.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Cinders.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dumping or shifting.

Clothes.—Dyeing.

Coal.—Dumping, shifting, selling or storing.

Cocoanut fibre.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Combustible material.—Storing.

Combustibles.—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Confectionery.—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Cotton, Cotton refuse.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Dyes.—Packing, pressing, cleansing preparing or manufacturing by any process whatever.

Explosive.—Storing.

Fat.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Firewood.—Selling or storing.

Fireworks.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fish —Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fish oil.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Flax.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fleshings.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Dyes.—Packing, pressing, cleansing, preparing or manufacturing by any process process whatever.

Fuel.—Using for any industrial purpose.

Fulminate of mercury.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Gas.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Gold.—Refining.

Gram.—Husking by machinery.

Gun-cotton.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Gunpowder.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hair.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying.

Hay.—Selling or storing.

Hemp.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hides.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hoofs.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Horns.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Ice.—Manufacturing.

Jute.—Storing, packing, pressing, cleansing, or manufacturing by any process whatever.

Lac.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Lead.—Melting.

Leather.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Lime.—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever.

Limeshells.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Manure.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Machinery.—Using for any industrial purpose.

Matches.—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever.

Meat.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Metals.—Beating, breaking, hammering, casting, etc.

Nitro-compound.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Nitro-glycerine.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Nitro-mixture.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Offal.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Paddy.—Boiling or husking by machinery.

Petroleum products.—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever in quantities not not exceeding six gallons, provided that no licence shall be required for storing petroleum in accordance with the provisions of the Petroleum Act, 1934, or the rules issued or the notifications published under that Act.

Pitch.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Pottery.—Manufacturing by any process whatever.

Resin (including rosin).— Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Saltpetre.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Seegekai.—Powdering by machinery.

Shellac.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Skins.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Soap.—Manufacturing by any process whatever.

Spirits.—Manufacturing by any process whatever.

Sulphur.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or melting.

Tallow.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or melting.

Tar.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Thatching materials.—Selling or storing.

Tiles.—Manufacturing.

Timber.—Selling or storing.

Tobacco (including snuff, cigars, cigarettes and beedies).—Storing, packing pressing, cleansing, preparing or manufacturing by any process whatever.

Turpentine.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Wool.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying.

Yarn.—Dyeing :

Provided that no licence shall be required for the storage only of any of the articles mentioned in this Schedule or for boiling paddy when such storage or boiling is for domestic use and limited to such quantities as may from time to time be fixed by the Commissioner.

Gilding or electro-plating.

Keeping a shaving or hair-dressing saloon.

Keeping together pigs or twenty or more sheep or goats.

Manufacturing articles from which offensive or unwholesome smells, fumes dust or noise arise.

In general, any purpose or the doing in the course of any industrial process anything which, in the opinion of the Taluk Board, is likely to be dangerous to human life, or health or property or is likely to create or cause a nuisance.

SCHEDULE III.

FORM OF NOTICE.

(*See* section 164).

Notice is hereby given to the inhabitants of the ..... Taluk that the Taluk Board desires to impose the tax, duty or fee (as the case may be) defined in the rules appended and at the rates mentioned therein.

Any inhabitant of the taluk objecting to the proposed tax, etc., may, within one month from the date of this notice, send his objection in writing to the Taluk Board.

Rules.

(The rules prepared by the Taluk Board under sub-section (2) of section 164, are to be appended here.)